

By Mr. VOLSTEAD: Petition of citizens of Minnesota, favoring a parcels-post law and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Chautauqua Grange, No. 571, Patrons of Husbandry, for parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of National Print Cutters' Association, against removal of tariff on wall paper—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Zinke Mercantile Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Milwaukee Bar Association, favoring increase of salaries of United States circuit and district court judges—to the Committee on the Judiciary.

Also, petition of the executive committee of the Prison Association of New York, praying for an appropriation in aid of the International Prison Congress to be held in Washington, D. C., in 1910—to the Committee on the Judiciary.

Also, petition of shoe dealers of Milwaukee, for removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for appointment of chaplain in army and navy of the Jewish faith—to the Committee on Military Affairs.

SENATE.

THURSDAY, January 14, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELECTORAL VOTE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Kentucky and Tennessee, which, with the accompanying papers, was ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Sarah C. Mitchell, executrix of Richard T. Mitchell, deceased, *v.* United States (S. Doc. No. 655); and

In the cause of William H. Staubs, administrator of Ely Moats, deceased, *v.* United States (S. Doc. No. 654).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 216) for a special Lincoln postage stamp, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Piscataqua Harbor, No. 83, American Association of Master Mates and Pilots, of Portsmouth, N. H., praying for the passage of the so-called "Knox bill" concerning licensed officers of steam and sail vessels, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 1117, Patrons of Husbandry, of Danbury, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the Business Men's Association of Auburn, N. Y., and the memorial of J. G. Coultant, of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Grange of Williamson; of Local Grange No. 117, of Lorraine; of Local Grange No. 817, of West Henrietta; of Local Grange of Ontario; of Chautauqua Grange, No. 571, of Mayville; of Ross Grange, No. 305, of Elliott; and of Leyden Grange, No. 562, of Talcottville, Patrons

of Husbandry, all in the State of New York, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of the State of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented the petition of J. C. Way, of Sistrerville, W. Va., and the petition of David T. Peterson, of Weston, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a memorial of the Business Men's Association of Auburn, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented a petition of the Real Estate Exchange, of Omaha, Nebr., praying for the enactment of legislation granting travel pay to railway clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of sundry citizens of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented petitions of Local Grange No. 124, of Higganum; of Wolf Den Grange, No. 61, of Pomfret Center; of Local Grange No. 82, of Colebrook; of Local Grange No. 143, of Goshen; and of Local Grange No. 54, of Plainville, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (S. 8260) providing for the erection of a coal shed on the light-house wharf at Humboldt Bay, California, reported it without amendment and submitted a report (No. 747) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 8261) providing for the remodeling and reconstruction of the light tower and keeper's dwellings at Alcatraz Island, Bay of San Francisco, California, reported it without amendment and submitted a report (No. 748) thereon.

Mr. BANKHEAD, from the Committee on Indian Affairs, to whom was referred the bill (S. 7882) to authorize the Secretary of the Interior to construct a road and two bridges on the Warm Springs Reservation, Oreg., reported it without amendment and submitted a report (No. 749) thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 8306) to amend the act of March 2, 1895 (28 Stat. L., p. 876) entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," reported it without amendment and submitted a report (No. 750) thereon.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 10416) to correct the naval record of Lieut. Hilary Williams, U. S. Navy (Report No. 751);

A bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine (Report No. 752); and

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy (Report No. 753).

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 7914) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460) entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," reported it without amendment and submitted a report (No. 764) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 8243) to authorize the Secretary of the Interior to reserve power sites on the Colville Indian Reservation, in the State of Washington, submitted an adverse report (No. 754) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 8273) to amend an act approved May 30, 1908, entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," reported it without amendment and submitted a report (No. 761) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck, reported it with an amendment and submitted a report (No. 760) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4836) to correct the military record of James E. C. Covell (Report No. 765); and

A bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett (Report No. 766).

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3751) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans, reported it with an amendment and submitted a report (No. 767) thereon.

Mr. MCCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 4116) authorizing the Secretary of War to place the name of Joseph F. Ritzherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge, reported it with an amendment, and submitted a report (No. 768) thereon.

SOLDIERS' MONUMENT AT SOMERVILLE, MASS.

Mr. LODGE. From the Committee on Military Affairs I report back favorably with an amendment the joint resolution (S. R. 114) authorizing the Secretary of War to dispose of certain bronze or brass cannon, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was at the end of line 4, after the word "seven," to insert the word "condemned," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized and directed to deliver to the mayor of Somerville, Mass., seven condemned bronze or brass cannon of a total weight 8,000 pounds to be used in the making of a soldiers' monument in that city: Provided, That the Government shall be at no expense in connection with this gift.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

GIFT OF CONSTITUTION ISLAND, NEW YORK.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, to report it favorably with an amendment in the nature of a substitute, and I submit a report (No. 758) thereon. I make the same request, for the present consideration of this joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The SECRETARY. The committee report to strike out all after the resolving clause and to insert:

That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided, That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: Provided also, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership.*

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. LODGE. I ask that the report of the committee may be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

[S. Rept. No. 758, 60th Cong., 2d sess.]

Mr. LODGE, from the Committee on Military Affairs, submitted the following report, to accompany House joint resolution 219.

The Committee on Military Affairs, which has had under consideration the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, reports the same favorably to the Senate, and recommends that it be passed with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided, That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: Provided also, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership.*"

This is a most generous gift of 300 acres of valuable ground lying very close to West Point. For many years it has been the desire of the Secretaries of War and the authorities of the United States that these lands should be purchased and become part of the United States reservation. Mrs. Russell Sage has most generously and patriotically purchased this land from Miss Warner, the present owner, who is given a price upon it undoubtedly less than one-half of what it could have been sold for for commercial purposes, believing it should belong to the United States. This resolution simply provides for the acceptance of this offer by direction of Congress for the United States.

Constitution Island, as anyone acquainted with the history of the place knows, lies just across the Hudson River from West Point, and was a fortified point during the war of the Revolution. There are many interesting historical associations connected with the island. Its location is such as to make it of very great advantage to the United States and to the academy.

Miss Anna Bartlett Warner has for years hoped that she might be able to see her property go to the United States, for there are no descendants of her family, and only distant collateral heirs who could share in the property, in whom she has no particular or special interest. Mrs. Sage has made it possible for the property to go to the Government as a gift. The arrangements that Miss Warner hopes to have made are mentioned by the Secretary of War in his report, contained in the President's message, quoted below. Certainly it is the thing for the United States to do, and this Congress especially to do, in an independent and separate resolution, to accept this very gracious and patriotic gift in a way by which she and Mrs. Sage can feel that the appreciation of the people of the United States is fittingly expressed.

THE PRESIDENT'S MESSAGE.

[S. Doc. No. 639, 60th Cong., 2d sess.]

CONSTITUTION ISLAND, NEW YORK.

Message from the President of the United States, transmitting a communication from the Secretary of War, transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions of the property known as "Constitution Island," opposite West Point, N. Y., for use of the Military Academy, tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner.

To the Senate and House of Representatives:

I transmit herewith, with my approval of the recommendations contained therein, a communication from the Secretary of War transmitting draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, of the property known as Constitution Island, opposite West Point, N. Y., containing 250 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, which was tendered as a gift by Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner under date of September 4, 1908.

THE WHITE HOUSE, January 8, 1909.

THEODORE ROOSEVELT.

WAR DEPARTMENT,
Washington, January 5, 1909.

The PRESIDENT:

Referring to the letter addressed to you by Mrs. Margaret Olivia Sage (Mrs. Russell Sage) under date of September 4, 1908, tendering, as a gift from herself and Miss Anna Bartlett Warner, the property known as Constitution Island, opposite West Point, N. Y., containing 230 acres of upland and 50 acres of meadow, as an addition to the West Point Military Reservation, for use of the Military Academy, I have the honor to transmit herewith draft of an item authorizing the Secretary of War to accept the donation, subject to certain conditions, with request that the same be transmitted to Congress favorably recommended, if deemed advisable, for insertion in the current Military Academy bill.

Upon favorable action by Congress, a deed will be secured vesting in the United States full jurisdiction over the island.

The acquisition of this island will be of advantage to the academy, and also guard against its possible future use for undesirable purposes. Since this letter was prepared it has come to the notice of the

department that Representative CHANEY introduced, under date of 4th instant, the following joint resolution:

Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York.

Resolved, etc., That the United States accepts, with thanks and appreciation, the gift of Constitution Island, Hudson River, New York, lying opposite the West Point Military Reservation, so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Russell Sage; and the Secretary of War is hereby authorized to receive a deed for the same in the name of and for the benefit of the United States.

As will be seen, the joint resolution does not provide the conditions recommended by the War Department, which were based on the wishes expressed by Mrs. Sage in her letter making the tender of the property, especially regarding the continued residence of Miss Warner on the premises, which it is thought should be incorporated in the act.

Very respectfully,

LUKE E. WRIGHT,
Secretary of War.

DRAFT OF AN ITEM FOR INSERTION IN THE MILITARY ACADEMY BILL.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to accept from Mrs. Margaret Olivia Sage and Miss Anna Bartlett Warner a donation of the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided,* That the lands so donated shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also,* That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership.

IMPROVEMENT OF CHINCOTEAGUE BAY.

Mr. MARTIN, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 60, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the shoal or bar at the entrance to Chincoteague Bay, with a view to the removal of said shoal or bar, and providing for a channel depth of 15 feet at that point, and to submit estimates for such improvement.

CURRENT RIVER BRIDGE, MISSOURI.

Mr. MARTIN. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 23713) authorizing the construction of a bridge across Current River, Missouri. I call the attention of the Senator from Missouri [Mr. WARNER] to the report.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 5, to strike out the words "an iron drawbridge" and insert in lieu the words "a bridge," so as to make the bill read:

Be it enacted, etc., That the county court of Carter County, Mo., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Current River, at a point to be approved by the Chief of Engineers and Secretary of War, near Van Buren Ferry, in Carter County, Mo.

Sec. 2. That the bridge authorized to be constructed by this act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EDWARD T. LINCOLN.

Mr. PLATT. From the Committee on Naval Affairs I report back favorably, without amendment, the bill (H. R. 8615) to correct the naval record of Edward T. Lincoln, and I submit a report (No. 745) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the record of service of Edward T. Lincoln, late an acting master's mate in the navy during the war of the rebellion, to show that he was honorably discharged the service on January 8, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH W. CAMPBELL.

Mr. PLATT. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 14343) to correct

the naval record of Randolph W. Campbell, to report it favorably without amendment, and I submit a report (No. 746) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion from the naval record of Randolph W. Campbell and issue to him, or his heirs, an honorable discharge from said service as of April 16, 1863, in recognition of his three years' subsequent faithful service in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIDS TO NAVIGATION IN ALASKAN WATERS.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (S. 8005) authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor, and I submit a report (No. 756) thereon. I ask for the present consideration of the bill. It is of grave necessity.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce and Labor to establish, under the direction and supervision of the Light-House Board, such aids to navigation in Alaskan waters as may, in his opinion, be considered advisable and necessary, and appropriates for the purposes authorized by this act the sum of \$140,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF WARROAD HARBOR, MINNESOTA.

Mr. NELSON, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 65, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for deepening the channel and the entrance to same of Warroad Harbor, Minnesota, and protecting the channel and entrance to the same by means of a dike or otherwise.

FORT DOUGLAS MILITARY RESERVATION LANDS, UTAH.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7396) for the exchange of certain lands situated in the Fort Douglas Military Reservation, State of Utah, for lands adjacent thereto, between the Mount Olivet Cemetery Association, of Salt Lake City, Utah, and the Government of the United States, to report it favorably without amendment, and I submit a report (No. 757) thereon. I call the attention of the junior Senator from Utah [Mr. SUTHERLAND] to the bill.

Mr. SUTHERLAND. I ask for the present consideration of the bill just reported by the Senator from Missouri.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF LAKE TRAVERSE, SOUTH DAKOTA.

Mr. DEPEW. From the Committee on Commerce I report back Senate concurrent resolution No. 61 favorably, with an amendment, and I call the attention of the Senator from South Dakota [Mr. KITTREDGE] to it.

Mr. KITTREDGE. I ask for the adoption of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The amendment was, in line 4, before the words "Lake Traverse," to strike out the words "and lighting" and insert the word "of," so as to read:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of Lake Traverse, in the State of South Dakota and county of Roberts, and report same to the Congress.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

IMPROVEMENT OF BIG SIOUX RIVER, SOUTH DAKOTA.

Mr. DEPEW, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 63, reported it favorably without amendment, and, on request of Mr. KITTREDGE, it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a

survey and estimates to be made for a project of straightening and improvement of the Big Sioux River, in the State of South Dakota, and report same to the Congress.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred Senate concurrent resolution No. 57, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A, and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

OSAGE BOARDING SCHOOL, OKLAHOMA.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 111) authorizing the rebuilding of the dormitory at Osage Boarding School, Oklahoma, recently destroyed by fire, to report it favorably without amendment, and I submit a report (No. 755) thereon. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to expend, out of any money in the United States Treasury belonging to the Osage tribe of Indians, \$14,000 for the rebuilding and equipment of the boys' dormitory at the Osage Boarding School, Oklahoma, recently destroyed by fire.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 759) thereon. I desire to give notice that to-morrow early in the day I will ask the Senate to take up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the calendar.

AFFAIRS IN THE TERRITORIES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the action of the House of Representatives on the bill (H. R. 21957) relating to affairs in the Territories, moved that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BEVERIDGE, Mr. NELSON, and Mr. CLARKE of Arkansas.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. Mr. President, in the act of May 30, 1908, to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, a commission was created, under section 26, consisting of the Secretary of War, the Attorney-General, the president of the Board of Commissioners of the District of Columbia, the chairman of the Committee on Public Buildings and Grounds of the United States Senate, and the chairman of the Committee on Public Buildings and Grounds of the United States House of Representatives for the purpose of investigating the title of the United States in and to all lands in the District of Columbia.

I have before me, Mr. President, maps, charts, and a report of that commission, and I report two bills, to be sent to the Committee on Appropriations. I ask that the maps and charts be printed as a part of the report.

I think not only the members of the Senate, but all the citizens of the District of Columbia, will be greatly interested in

the maps and in the report. The commission have found that there is a great deal of property in the District of Columbia occupied by people who apparently have no title, and a great deal of it where the title is under a cloud. The bills provide for an appropriation to make further investigations as to the title the Government has in a large amount of property in the District of Columbia.

In this connection I wish to state what probably all Senators know, that where the general wholesale and city markets are now situated, between Seventh and Ninth streets, the lands belong to the Government. The expenditure of a few thousand dollars would purchase all these temporary structures and free this site for public buildings; for I take it there is no intention of permitting such a valuable site to be long used for such purposes.

We also find, when trying to condemn property for the use of the Government, that the prices put on by the agents and the owners themselves are exorbitant as compared with the amount of taxes they are paying on such property. I wish to give notice that at some future day I shall introduce a bill under which we will try to compel people who think they have such valuable property when it becomes necessary for the Government to have it to pay at least a fair proportion of the taxes of the District of Columbia. I submit with the report the charts and maps, and ask that they be printed (S. Doc. No. 653) and referred, with the report and bills, to the Committee on Appropriations.

The bill (S. 8449) to repeal acts heretofore passed relating to alienation of the title of the United States to land in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

The bill (S. 8450) to provide for ascertaining the interest or title of the United States in any land or water rights in the District of Columbia, was read twice by its title and referred to the Committee on Appropriations.

PERSONAL EXPLANATION—OREGON LANDS.

Mr. TILLMAN. Mr. President, it is not at all pleasant to me to feel it necessary or desirable that I should obtrude my personality and things connected therewith, both official and as a man, upon the attention of this body. I have enough notoriety already, and I am not anxious to advertise myself. But the Senate knows the provocation under which I lie, and I trust will bear with me.

Yesterday, in the newspapers of this city—and probably some kind of a synopsis of it was sent off by the press association—there appeared a statement from the Attorney-General controverting in some particulars, or attempting to controvert, the speech which I made here last Monday.

In order that the RECORD may be kept entirely full, that there may be no omission, I send to the desk and ask to have read the official copy which came to me this morning from the Attorney-General's office. In other words, I telephoned up there to see that there was no mistake, and was sent what I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JANUARY 12, 1909.

There are two passages in the remarks of Senator TILLMAN, published in to-day's CONGRESSIONAL RECORD, which demand notice from me. He says (RECORD, p. 734):

"It might be well to inquire whether or not the Attorney-General has been ordered not to obey the law of Congress passed last April—which I will call the 'Tillman-Bonaparte law'—ordering suit to be instituted for the recovery of these lands. My culpability is of such enormity and magnitude in contemplating the purchase of 1,440 acres of land at \$2.50 an acre in the eyes of this stickler for official rectitude in others that it may be found that he is determined to block my so-called 'nefarious transactions.'"

"The man who announces to Congress that he, Theodore Roosevelt, assumed the right to permit the Steel Trust to absorb its greatest rival contrary to law would doubtless not hesitate to help his dear friend, Harriman, in holding 2,000,000 acres of the public domain, simply because BEX TILLMAN has contemplated and wanted to buy 1,440 acres."

On September 4, 1908, suit was brought by the United States of America in the circuit court of the United States for the district of Oregon against the Oregon and California Railroad Company; the Southern Pacific Company; the Union Trust Company, individually and as trustee; Stephen T. Gage, individually and as trustee; and a large number of individual defendants. The purpose of this suit is, in substance, to declare and enforce a forfeiture of the public lands claimed by the railroads under Mr. Harriman's control by virtue of the original grant to the Oregon and California Railroad. It has been brought in accordance with the directions of the joint resolution to which Senator TILLMAN refers; was instituted as soon as practicable after the passage of the said resolution, and the fact of its institution has been published and could have been verified by anyone, through inquiry at this department, for more than four months.

Senator TILLMAN says in another part of his speech (RECORD, p. 732):

"In my conversation with the Attorney-General in regard to the resolution which I introduced, and which he himself prepared after we had talked over the whole land situation, I distinctly remember telling him that my interest in the matter had been first aroused by my desire to purchase some of the timber land, and that my coming to him was

due to the fact that I discovered upon investigation that I could not buy it through any agency whatsoever; that I could not buy it even by a lawsuit, because I was advised by very able lawyers in the West, among them the Hon. George Turner, of Washington, that in attacking the holders of those land grants no one would have any standing in court except the grantor, the Government itself."

Senator TILLMAN called upon me at the Department of Justice a few days before the introduction by him of the resolution which I see by the RECORD he presented to the Senate on January 31, 1908. Our interview occurred, therefore, a little less than three weeks before his letter of February 15 to Messrs. Reeder & Watkins, in which he requested them "to hold in reserve" for him "eight of the best quarter sections," and probably a little more than three weeks before his statement in the Senate that he had not "bought any land anywhere in the West or undertaken to buy any." He told me he wished information as to the status of the lands embraced in these Oregon grants, because he had heard so much complaint about the conduct of the corporations claiming them during his recent journey through the States of the Pacific slope. He criticised with great severity the policy of granting the public domain to such corporations and mentioned that, on some occasion, in discussing a proposed land grant of this character, he had said to certain of his colleagues: "You may as well give them what they want now; you have given them pretty much everything else."

He said, according to my recollection, that the lands had become of great value and many persons wished to purchase them, and added that he would have been glad to do so himself if he could; but he never told me a word of any connection on his part with an arrangement to acquire some part of these lands, nor that he intended, expected, or even desired, at that time, to make any such purchase. As stated by him, his reason for making these inquiries was that he might better discharge his public duties; and I was totally ignorant until I saw the documents transmitted by the President to Senator HALE that Senator TILLMAN, at the time of his conversation with me, had any private interest, whether actual or in expectation, in connection with the subject of our conversation. I gave him a full statement of the information which had been collected by the department as the result of a protracted investigation made by Messrs. Townsend and McBlair as special counsel, and which had continued during a considerable part of the preceding year. I told him also that we deemed it advisable to secure congressional action in the form of a resolution empowering the Attorney-General to claim a forfeiture of these lands; and that I felt some apprehension lest such action should be opposed by the large interests which it would affect. Senator TILLMAN then offered to introduce a resolution on the subject, if I would prepare one; and I did prepare such a resolution, which was introduced by him and subsequently adopted. During this interview I explained to him that it would be impracticable to compel the corporations claiming these lands to sell any particular portion of them to any particular person; although, of course, if the Government could establish a forfeiture of rights under the grant, the lands might become afterwards open to entry on the same terms as any other portion of the public domain. Of course, if it was, at the time, his purpose to secure some part of the lands in question, through arrangements with Messrs. Reeder & Watkins or otherwise, this forfeiture might tend to promote his individual interest; but I had no reason to credit him with any such purpose, and I dealt with him throughout as asking the information and advice I could give only that he might fulfill his duty as a public officer.

Mr. TILLMAN. Mr. President, the document which has just been read bears sufficient evidence to anyone who will read it critically of careful preparation. It will also show, I think, that the Attorney-General went out of his way to try to bolster up and fortify the President's accusations against me. He speaks of an "arrangement;" he did not know I had made an arrangement—I believe those are the words—to buy any of these lands. The only lands to which he alludes in this document are the railroad-grant lands held by the Southern Pacific road, and as far as this statement concerns those lands it is absolutely accurate, because I knew after the thorough investigation I made that to purchase any of that land after the cancellation of the patents, if that was obtained, they could only be sold to "actual settlers;" and as I have never at any time contemplated settling in Oregon, as I knew of the difficulties and troubles and prosecutions which had come to Members of this body and Members of the other body under accusations of obtaining lands fraudulently—that is, by bogus entries—I had never thought for a second of buying any of the lands granted to the railroad—"these lands." The lands I wanted to purchase and about which I telegraphed Reeder & Watkins and wrote them letters are lands held by the Southern Oregon Company, which, as I have already explained once, but I will explain again, is a corporation which holds about 100,000 acres of the most valuable timber and coal lands in Oregon, granted to the State of Oregon in 1868, granted by the State of Oregon shortly afterwards under the limitation imposed by the grant from this Government to a construction company, and sold by that construction company to the Southern Oregon Company, which now holds the land.

That land differs from any other land in the West that I know of, inasmuch as the original grant and subsequent grant by the State simply required that it should be sold to "purchasers" in quantities not exceeding 160 acres to one person, and at a price not exceeding two dollars and a half per acre. It therefore must not be confused with the land which is subject to the actual-settler clause or the homestead provision.

A careful and critical analysis of this paper shows that, while the Attorney-General does not directly controvert or deny my statement in regard to my having told him, he denies my statement by implication. He would have it appear that I did not in anywise disclose to him my purpose to buy some of this particular land. If I were to take the time to critically analyze, I

could show that to anyone; but the gentlemen here who are interested will do that for themselves, and therefore I will not pause longer on that phase of it. Here, however, is a paragraph to which I direct special attention. He says:

He [TILLMAN] said, according to my recollection, that the lands have become of great value and many persons wished to purchase them, and added that he would have been glad to do so himself if he could.

That applies, according to the Attorney-General's statement, to the railroad lands, which is false. I did try, and told him so, to buy the Southern Oregon Company's lands—the military-road lands. It is an issue, then, of memory as to what kind of lands I had in mind. I will not say that it is an issue of veracity; but I am ready to have my word put against his in any court in Christendom in this or any other tribunal that chooses to investigate, and let my record in the past for truthfulness and honesty and integrity stand as against his. But that, Mr. President, is enough.

The Attorney-General quoted from my speech that part of it which I will not repeat, for it has just been read, making inquiry as to whether or not the suits ordered by the joint resolution of April 30 last had been complied with, and he went on to state that certain suits had been brought as far back as September 4, mentioning a large number of companies and individuals, and then winding up with the statement that—

The fact of its institution has been published and could have been verified by any one through inquiry at this department for more than four months.

The impression which he sought to convey was that he had complied with the law; that he had obeyed it. What is the law? I have it in my hand and I will ask to have it printed, but will only read one paragraph. In enumerating the various corporations which are to be sued, I find this:

Also, "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State."

I only read the part of it that I care to have read, showing that the military road land was named in the law which required the Attorney-General to bring suit.

The act referred to is as follows:

[Public resolution—No. 18.]

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, etc.

Resolved, etc., That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same: Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

Approved April 30, 1908.

Mr. TILLMAN. Knowing, Mr. President, that I am dealing not only with Theodore Roosevelt, but with every department of this Government, and that they are all leagued together and have had Cabinet meetings, according to the newspapers, to discuss me and my affairs and how to accomplish my ruin, if possible, I was prepared when I made the statement in the Senate on Monday to have the Attorney-General deny that I had told him anything about this. I expected it. I was prepared, and even now am prepared, to have the man sent to me from the Post-Office Department, called over the telephone, to whom I explained my reasons for wanting a fraud order issued against Dorr do the same. I expected them to give notice to him that he must lie, must swear I did not say a word to him about my desire to purchase the land, so that the President would have a Cabinet

officer and an underling, two of them, to deny my statement. I was prepared for all that. When I deal with such unscrupulous men as are after me now I am prepared for anything, even the assassin's knife. My mail is being held up, or I have every reason to believe it is. My committee room—I will not say it has been broken into, for there are keys to open almost anything around this Capitol—but from my desk has disappeared a large envelope containing a great deal of correspondence and other papers relating to my land investigations in the West. They did not get everything I had in there, but that envelope is gone. They may not have stolen it. It is gone, however.

But when the Attorney-General in this interview gave forth the statement that he had brought suit—and that fact could have been verified very easily—I thought it was just as well for me to get to the bottom. So yesterday I called up the Attorney-General by telephone. After some little trouble I got that officer himself and told him who I was and said to him: "Mr. Bonaparte, has the suit ordered by Congress last April against the Southern Oregon Company been instituted?"

He did not know. There had been some correspondence and discussion back and forth as to the methods that should be pursued by the special counsel. I pressed for an immediate answer—yes or no. He said he would make inquiry of the clerk charged with that business and let me know. In the course of a few minutes he returned to the telephone and told me he would write me a letter. I hold that letter in my hand, and I send it to the desk to have it read, with the accompanying document, which may be printed but not read. It is simply a synopsis of the suits that have been brought and the dates in connection with them.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., January 13, 1909.

HON. BENJAMIN R. TILLMAN, U. S. S.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our telephone conversation this morning, I beg to say that I find, on examination of the files of the department, that the suit in connection with the Coos Bay wagon-road grants was one of those which, as I told you, had been the subject of a difference of opinion between the special counsel engaged in these cases. A private suit has already been brought in connection with this matter, and the question arose whether the Government should intervene in this suit or should bring an independent suit. After careful consideration and a rather voluminous correspondence with the two special counsel, I decided that it would be better for the Government to bring an independent action without reference to the private suit already instituted. I therefore wrote sometime since to Mr. B. D. Townsend, and subsequently telegraphed him, directing that such suit should be brought as soon as practicable. The questions involved in the suit connected with the Coos Bay grant and several other contemplated suits of minor moment will be substantially determined by a decision in the case already instituted against the Harriman railroads which hold the Oregon and California land-grant titles; and it is deemed advisable by Mr. Townsend to bring to trial, if possible, the main suit, namely, that against the Harriman interests and involving the Oregon and California Railroad grants before these other far less important suits are tried. I agree with him to this extent, and, although, as above stated, I have ordered all the suits to be brought as soon as possible, I think no injury to the government interests has been caused by the delay in instituting proceedings in regard to the Coos Bay grants and a number of other matters.

I inclose you herewith, copied from the dockets of the department, a statement of the present situation of the main suit against the Harriman interests, the bill of complaint in which, as you will see, was filed September 4 last, as set forth in my statement of yesterday.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The memoranda referred to are as follows:

LAND-GRANT CASE—TITLE OF CAUSE.

United States of America v. Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage (individually and as trustee), Union Trust Company (individually, September 23, 1908, and as trustee), John L. Snyder, Julius F. Pahl, Albert E. Thompson, James Barr, Fred Witte, W. A. Anderson, W. H. Anderson, O. M. Anderson, F. E. Williams, Paul Birkenhead, J. H. Lewis, Francis S. Wiser, W. E. Anderson, Albert Arms, Joseph A. Maxwell, Isaac McKay, J. R. Peterson, D. MacLafferty, Edgar MacLafferty, V. V. McAboy, Geo. C. MacLafferty, Geo. Edgar MacLafferty, E. L. MacLafferty, B. N. MacLafferty, Enos M. Fluhrer, F. W. Floeter, S. Shyrook, Sidney Ben Smith, Orrin J. Lawrence, Robt. J. Baldersee, Oscar E. Smith, Egbert C. Lake, C. W. Sloan, Jesse F. Holbrook, A. E. Haudenschield, S. H. Montgomery, W. A. Noland, John H. Haggett, Charles W. Mead, William Otterstrom, Angus McDonald, John T. Noon, Joseph D. Hadley, Henry C. Ott, Fred L. Freeburg, William Cain, R. T. Aldrich, James C. O'Neill, Alexander Fanske, Francis Wiest, Cyrus Wiest, John Wiest, Thomas Manley Hill, Otto Nelson, Jasper L. Hewitt, B. L. Porter, Frank Wells, C. P. Wells, I. H. Ingram, L. G. Reeves, W. W. Wells, F. M. Rhoades, Marvin Martin, and Poy W. Minkler.

ENTRIES.

September 4, 1908. Bill of complaint filed.
September 23, 1908. Motion for order for absent defendants, Union Trust Company and Stephen T. Gage, to appear, etc. Order issued.
September 24, 1908. Petition in intervention filed by Wm. T. Slaughter and 627 other persons; order entered permitting Slaughter et al. to intervene and to file their answer and cross bill to complainant's bill.
October 3, 1908. Appearance entered by Moulton & Scooby for Defendant Haggett and 9 other defendants.

October 5, 1908. Appearance entered by Wm. Singer, jr., Peter F. Dunne, Wm. F. Herrin, and W. D. Fenton for defendants Oregon and California Railroad Company and Southern Pacific Company. Appearance entered for Defendant James C. O'Neill by Mark O'Neill.

October 6, 1908. Appearance entered by A. W. Lafferty for Defendant John L. Snyder and 54 other defendants.

October 17, 1908. Petition in intervention filed by Edward D. Townsend and 3 others; order entered permitting petitioners in intervention to file their answer and cross bill to complainant's bill of complaint.

October 30, 1908. Appearance entered by Wm. Singer, jr., Peter C. Dunne, W. F. Herrin, and W. D. Fenton for Defendant Stephen C. Gage, individually and as trustee. Joint and several demurrers filed by defendants Oregon and California Railroad Company and Southern Pacific Company to the petition, answer, and cross bill of Wm. T. Slaughter et al. Joint and several demurrers filed by defendants Oregon and California Railroad Company and Southern Pacific Company to the petition, answer, and cross bill of Edward D. Townsend et al.

Mr. TILLMAN. It follows, therefore, Mr. President, that up to this time, nearly a year—nine months anyway—nothing has been done in obeying the order of Congress to bring suit against the Southern Oregon Company. The motive which the Attorney-General assigns may be entirely satisfactory to some. We all know how slow the processes of law are, especially against millionaires; we all know how easy it is not to do a thing while pretending to be very anxious to do it; we are somewhat skilled in that art here in this body, and it is perhaps not permissible to criticize other departments of the Government for doing the same thing which we ourselves sometimes do. But the fact remains—and it is a cold fact—that the Attorney-General went into print to bolster up the President, to charge me in effect with not having talked to him on this particular subject, and took offense because I had made inquiry as to whether the suit for the lands which I had attempted to buy—no; not attempted, but wanted to buy; I never did attempt, except to write some letter and make some inquiries—the Attorney-General, I say, got offended, gave out an interview, denied my statement as far as he dared, and attempts to create the impression that he has obeyed the law, and to that degree has acted—I do not like to use the adjective; I will let you all fill it up.

Reverting for a moment to his statement, I want to call particular attention to the fact that in speaking about my public duty, of which he alone says he knew anything, and was not aware that I had any arrangement or any desire, that I hardly could have—I will not say "I could not," but I say I did not talk with him in that way. I was frank; I explained why I had become interested in Oregon lands. I had gone through the railroad lands and knew they were subject to the actual-settler clause. I had never given a moment's thought to buying any of them. I was trying to buy, or had been trying to buy, Coos Bay lands. I asked him—or put it in myself, I do not remember which—to incorporate the Southern Oregon Company in the proposed litigation. It is there, and to that extent we will let those who feel disposed to critically examine his attitude and my utterances last Monday make up their judgment after reading these new features of the controversy.

But Mr. Bonaparte is not the only Cabinet officer who has dipped into this business. On Tuesday the following statement appeared in the Washington Herald:

Senator TILLMAN, in the course of his speech yesterday, said that the President "has been in possession of all the facts in this case since July last, and men will be curious to know why, if his zeal was honest, he did not make them known then."

The Postmaster-General goes on to say:

Mr. Meyer's statement follows:

"The inspector's report is dated Portland, Ore., July 27, 1908. It was received by the chief post-office inspector August 3, 1908. The case being an alleged violation of the 'fraud section' of the postal laws by Bryan R. Dorr."

Here is a misstatement or a falsehood, one or the other. The case which was sent to the post-office inspectors was not the alleged violation of the postal laws by Bryan R. Dorr. That was merely an excuse for the investigation of TILLMAN, not of Dorr. The Postmaster-General goes on to give the dates—I suppose they are on the docket—of the papers.

It was sent to the Assistant Attorney-General for the Post-Office Department August 5, 1908, for action. It was returned to the chief inspector September 3, 1908, with the recommendation that a fraud order be not issued, as it was not shown that Dorr was conducting a fraudulent business.

The matter was again referred to the Assistant Attorney-General on account of the receipt of a letter dated November 22, 1908, written by Dorr, in which he requested the department to furnish him with a copy of the inspector's report for publication, so as to clear him from imputation of fraud put upon him by Senator TILLMAN.

December 17, 1908, the report was handed to the Postmaster-General by the Assistant Attorney-General.

December 18, 1908, the case was brought to the attention of the President for the first time, and on the same date instructions by wire were sent to the inspectors who had made the investigation to procure either the original TILLMAN letters or photographs, in order that the inspector's statements as to Senator TILLMAN's letters might be verified.

These proofs, presented by the inspectors in person, reached the President January 4. The investigations were made entirely by post-office inspectors, and the secret-service agents were in no way connected with the case.

In the post-office inspector's report, dated July 27, which is part of the exhibits in this case, occurs the following:

We traced this information concerning the application of Senator TILLMAN to secure some of this land-grant land through Shaefer & Conro to Reeder & Watkins, who produced the original letters and telegrams as their authority for the statements that had been made, and we inclose herewith compared copies of each. (See Exhibit C.)

The full verbatim copy, then, of my letters had been in the possession of the Post-Office Department as soon as the report made by the inspector reached that department last August.

The President, it is said, in December issued instructions to have photographs of the originals obtained, or to get the letters themselves. The effort is made to shield the President from any complicity in this investigation of a Senator until very recently. The Postmaster-General declares that the case was sent to the inspectors in Portland to investigate Dorr. The fact of the business is that I have letters from Dorr himself and from Dorr's father, and I had a visit from a man named McMullen, who was the president of the company of which Dorr was the agent out there, showing that the fraud order had been issued last February, immediately upon the showing which I had made to the inspector in my room; that it had been in force; that Dorr's mail had been withheld, and that, therefore, so far as Dorr was concerned there was nothing to investigate, for the proof had been overwhelming. The only thing that was in doubt in the mind of the President was what proof could he get on TILLMAN; and they may wiggle and squirm as often and as long as they choose, but they can not get away from the fact that they began to investigate me six or eight months ago, and then had all the evidence they ever did get, or can get.

The proof, as stated in Mr. Meyer's interview or statement, reached the President on January 4. The President sent in his special message January 5, showing how earnest and urgent he was to have a Senator haled before the country upon charges of dishonesty and of conduct unbecoming a Member of this body.

Mr. Meyer has said, upon his official responsibility, that they were investigating Dorr. I assert, and will prove if the opportunity is given, that they were not investigating Dorr, because they had already decided that he was a fraud and had issued a fraud order against him. Mr. Meyer's statement, therefore, is a direct and absolute falsehood to that extent.

I will mention here that yesterday evening Senator HALE, at my instance, telegraphed to Reeder & Watkins to know when and by whom photographic copies of the letters were made. Senator HALE tells me this morning that he has just received notice that the wires are down somewhere out there, and he can not get answer by telegram and he does not know when an answer will be received by letter. It may take two or three weeks, and everybody will lose all interest in it by that time. We can not verify that part of it at all, so we will let it go. I am simply trying to show that, so far as I am concerned, I want any and every phase of this subject investigated.

But there has come to me within the last week another Dorr circular, sent by some unknown friend in Philadelphia. This young man Dorr was reported last July as having gone out of business and gone to raising fruit. The post-office inspector so states in the official record here. There is somewhat of a pitiful letter from him sent in by the President, dated November 22, in which is made a plea for the removal of the stigma on his name and the restoration to him of the privilege of obtaining his mail; and on November 15, seven days before Mr. Dorr's letter of November 22, which, according to Mr. Meyer, the President never saw until December 18, Mr. Dorr sent broadcast throughout the country, to those whom he is trying to interest in his enterprises, the following circular—I will not read it all, but will ask to have it printed. After bragging and blowing in the usual exploiter's way in the effort to invite investors to co-operate with him and get a part of the good things he has going in Oregon, Mr. Dorr says:

All this I have done in the face of calumny, jealousy, and abuse. Some time ago I learned that a certain United States Senator was secretly interesting himself in western timber lands, while he was aiding in the prosecution of those claiming to be the rightful owners. When I made my information public, he denied it on the floor of the United States Senate and sought to ruin me. He failed. An investigation by the postal authorities soon cleared me and the matter was dropped; but not by me.

Here is a sentence to which I want Senators to listen:

Some day I shall have justice and reparation, and when that day comes, now not far distant, there will be a noise that will be heard around the world.

Does that bear any evidence—is it worth while for anybody to consider whether or not Dorr had seen the President or had been assured by the President, "if you will aid me in dragging TILLMAN down and proving him a liar and a scoundrel, I will expose him?" The noise to be heard around the world, which Dorr predicted on the 15th of November, its cause was sent in here, and the bomb was exploded last Friday. Yet two members of the Cabinet are endeavoring to have the people of this country and the Senate believe that Roosevelt is the most innocent, honest, noble, disinterested prosecutor of great malefactors that ever existed. Dorr says he is going to get revenge. Who could promise it to him two months or six weeks before the explosion? I will leave it to fair-minded people to decide for themselves.

I now ask that the Dorr circular, with the accompanying prospectus, or bait for suckers, be printed in the RECORD without reading. The prospectus is embellished by a number of well-executed and attractive cuts, designed to excite the imaginations of people whom it was desired to inveigle into the enterprise, which I am sorry I can not have reproduced in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The circular and prospectus referred to are as follows:

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
White Salmon, Wash., November 15, 1908.

DEAR SIR: I hand you herewith a circular, which I urge you to read with care. It tells the story of what one young man has done, alone and unaided, in a single year, against obstacles and difficulties which seemed almost unsurmountable.

It has been a year of financial stringency; money has been very hard to raise; yet I have bought a fine mill for the corporation, and with the water rights and rights of way in my possession, control millions upon millions of feet of valuable timber, and, indirectly, the wonderful fruit land upon which it stands. This circular tells you what I have done, but it does not contain the most astounding truth of all, which is this: I have done it all by the sale of less than \$4,000 worth of preferred stock; the balance is all in the treasury, unimpaired.

With this sum I have bought the fine mill, repaired and equipped it with additional machinery, doubled the capacity of the dam, built and equipped a mess house and a bunk house for the men, altered the interior construction of the mill so as to lessen the cost of handling the product, and have built the finest skid road in Klickitat County, if not in the entire State, thus enabling us to haul as many logs with one team as we were hauling before with three.

All this I have done in the face of calumny, jealousy, and abuse. Some time ago I learned that a certain United States Senator was secretly interesting himself in western timber lands while he was aiding in the prosecution of those claiming to be the rightful owners. When I made my information public, he denied it on the floor of the United States Senate and sought to ruin me. He failed. An investigation by the postal authorities soon cleared me and the matter was dropped; but not by me. Some day I shall have justice and reparation, and when that day comes, now not far distant, there will be a noise that will be heard around the world. All the hardships I have endured for the sake of this work to which I have set my hand will never be known. When money was needed at once I sold my own ranch, my home, and paid the bills.

I shall never give up, whether you come to my aid or not. I need you, and if you help me I shall be faithful to my trust, and shall reward you with a rich return.

I hereby guarantee that every statement I have made is absolutely and unequivocally the truth, and if anyone will come out here and find one false word I will give \$1,000 and his expenses both ways.

Very truly, yours,

BRYAN R. DORR, President.

ST. PAUL AND PACIFIC TIMBER SYNDICATE.

(Major Creek sawmill.)

WHITE SALMON, WASH.

Officers: Bryan R. Dorr, president-treasurer; D. H. McMullen, vice-president; Harold M. Horton, secretary.

The St. Paul and Pacific Timber Syndicate has "made good." It is probably the only lumber company in the world which has solved the problem of "eating its cake and keeping it, too." In other words, it has seized an opportunity to buy a profitable, up-to-date sawmill in the midst of a tract of land containing millions of feet of pine and fir timber, easily accessible to the Columbia River by means of a flume—land which, when cleared of its timber is worth more than ever before, being in the center of one of the most famous fruit-growing districts in the world.

In spite of hard times the corporation has paid regular dividends at the rate of 20 per cent per annum on its outstanding preferred stock. Best of all, its assets are over three times the amount which has been raised by the sale of the preferred stock. It has made steady progress in the face of opposition. A misunderstanding of its methods once led the postal authorities to make a thorough investigation of its affairs, and this investigation justified its every act and every statement and proved beyond a shadow of doubt the entire good faith of its management.

It is usually the case that when a tract of land has been denuded of its timber it is comparatively valueless and must be sold for a few dollars per acre or be allowed to revert to the State for unpaid taxes. The lumber business on the coast, on account of the large amount of standing timber and its low price per thousand feet, is of itself very profitable. Seldom, however, has it been possible to find a valuable tract of timber where the land when cut over is worth still more for agriculture.

In the wonderful White Salmon Valley, however, the St. Paul and Pacific Timber Syndicate has found the opportunity for which it has

been looking. Here in Washington, and across the noble Columbia River in Oregon, in a strip bounded on the north by Mount Adams and on the south by Mount Hood, is the most famous fruit district in the world. Hood River, Oreg., and White Salmon, Wash., are noted the world around for producing the finest apples and strawberries ever grown—apples which sell at from \$2 to \$8 per bushel box, according to the variety, and strawberries at \$2 to \$10 per crate, according to the date of shipment. It is not at all unusual for a bearing apple orchard to yield its owner an annual net profit of \$500 to \$1,000 per acre.

As a result, from all over the country homeseekers are pouring in to buy small tracts of land, which they are clearing and are setting out to orchard. In the White Salmon Valley it is possible to secure unimproved land at from \$35 to \$100 per acre, which, when cleared, improved and set to orchard, will in a few years yield its owner an income of from \$250 to \$1,000 per acre. Compared with the large ultimate return the cost of clearing the land is insignificant. The chief expense in clearing land consists of denuding the land of the magnificent fir and pine trees with which it is covered. To do this it is necessary to cut, pile, and burn the heavy underbrush, fell the trees, saw them into small logs, roll them into the swales or gulches with peavies or by means of a team of horses, skid them into huge piles and burn them. After that the stumps must be blown to pieces with dynamite and the pieces burned.

Up to the present time there has been no market whatever for these logs at White Salmon. As a result the more timber there is upon a tract of land the cheaper it may be secured per acre. If it were feasible to haul the logs to the Columbia River and float them down to Portland in rafts, they would sell at from \$9 to \$13 per thousand feet board measure. This is, however, impossible. The country is very mountainous and the roads are almost impassable with mud much of the year. The finest fruit and timber belt is at least 6 miles from the Columbia River, on a plateau nearly 2,000 feet high. The grade is such as to make the construction and operation of a steam railroad impracticable if not absolutely impossible. In short, there has thus far been no profitable means of disposing of the timber in clearing land, and so thousands of dollars' worth of the finest fir and pine in the world has been ruthlessly destroyed by fire every year. A small quantity is used for firewood, and an insignificant amount is manufactured into lumber to supply the local demand.

The St. Paul and Pacific Timber Syndicate has found a means of utilizing this timber at a profit. If you will refer to any large map you will see that a stream known as "Major Creek" flows in a southeasterly direction into the Columbia River. Six miles north of the mouth is a prosperous sawmill which manufactures a very high grade of pine and fir lumber and sells it to residents in the valley. This mill has been purchased by the St. Paul and Pacific Timber Syndicate. We have also obtained the exclusive water right to Major Creek, and during the coming winter propose to construct a large water flume down the bed of the stream for its entire distance of 6 miles to the Columbia River. At the mouth of the stream we propose to build a large modern planing mill and a dry kiln. From this point we will ship lumber east and southeast, all over the United States, by way of the new Spokane, Portland and Seattle Railroad along the north bank of the Columbia River. This railroad is now in active operation as a branch of the Great Northern and Northern Pacific Railway systems. A short time ago the railroad sent one of their representatives, a competent civil engineer, to look over the mill, timber, and the route for the proposed flume, and he sent in a very favorable report. In consequence the railroad has agreed to put in a side track for our use, free of expense to us, as soon as the flume has been completed. But we are by no means confined solely to the use of this railroad in making shipments. The Columbia River enables us to ship by steam or sailing vessel to every port in the world, and the Oregon Railway and Navigation Company, a branch of the Harriman lines, runs parallel to the new Spokane, Portland and Seattle Railroad along the south bank. By rafting our lumber across the river we may ship south, east, and west over this line to all points.

By means of the proposed flume it will be possible to send down from the sawmill an unlimited quantity of rough lumber, ties, slabs, and cord wood. In the planer and dry kiln at the mouth of the river we will finish the lumber and will establish our lumber yard at this point. In addition we will handle cord wood, for which there is a heavy demand in eastern Washington and Oregon, where there are vast irrigated districts absolutely devoid of timber. Cord wood may be manufactured here very cheaply from tops, from small second-growth fir, and from logs which are unsuitable for lumber, thus utilizing practically all the timber of every size on a tract of land.

When the timber has been entirely removed the land, as stated above, is worth more than before by an amount of \$10 to \$20 per acre. Land covered with heavy timber can be bought for \$35 per acre. When the timber has been removed the land is worth \$50 per acre and sells readily at this figure in any quantity. Indeed, many specific instances may be shown where men have been given timber free and in addition have been paid \$25 to \$50 per acre to fell the timber, remove it, and do whatever they pleased with it.

As an example of what may be done in this locality, a certain quarter section (160 acres) of timber in the vicinity of our sawmill is for sale at \$35 per acre, land and timber being included at this price. The cost would therefore be \$5,600. This quarter section contains over 4,000,000 feet of pine and yellow fir timber which will average about 40 per cent of No. 1 shop and clear lumber. In addition there will be about 1,500 cords of wood. The cost of land, logging, and manufacturing expense, sales and general expense, will be about as follows:

160 acres of land, at \$35 per acre	\$5,600
Logging expenses—4,000,000 feet logs, at \$3.50 per M.	14,000
Manufacturing, sales, general expenses, 4,000,000 feet, at \$5 per M.	20,000
1,500 cords wood, all expenses, \$2.50 per cord	3,750
2,000 loads slab wood, cost 50 cents per load	1,000
	44,350

These 160 acres of land will yield the following returns:

1,600,000 feet No. 1 lumber, at \$20 per M.	32,000
2,400,000 feet No. 2 lumber, at \$12.50 per M.	30,000
1,500 cords of wood, at \$7 per cord	10,500
2,000 loads slab wood, at \$3 per load	6,000
160 acres of land, at \$50 per acre	8,000
Gross returns	\$86,500
Cost	44,350
Net profit	42,150

This estimate shows a net profit of \$42,150, or nearly 100 per cent on the transaction, and the figures used are very conservative. There is no limit until the entire district for a distance of 5 miles north of us has been cut over. No one can compete with us in the purchase of timber land, as we have obtained by law and by purchase the exclusive water right to Major Creek, the only stream large enough to be of any practical value for a flume, except the White Salmon River, which is 4 miles away, beyond a high range of foothills. We have, therefore, a virtual monopoly.

The corporation is composed of 3,000,000 shares of \$1 each, 1,000,000 preferred shares and 2,000,000 common. The preferred shares are for sale at par, \$1 per share, for cash or in installments of 10 per cent down and 5 per cent per month per share. During the sale of the first 100,000 shares a bonus or stock dividend of 50 shares of common stock will be issued free with each purchase of 100 preferred shares. The preferred stock is not issued in blocks of less than 100 shares.

The preferred stock has the following unusual features:

1. It receives every dollar of the profits in the form of dividends until it has been paid back to the holder in full, before the common stock receives a cent.

After it has been paid back in full at par, out of the sale of land, logs, or lumber, it shares equally with the common stock in all subsequent dividends.

The object of this unusual form of organization is to show the absolute faith on the part of the organizers in the enterprise. For their services they receive a suitable compensation in the form of common stock. But these common shares will not begin to participate in the profits until the preferred stockholders have been paid back in full. All their profits, therefore, are dependent upon the success of the enterprise; but they are confident not only that the preferred stockholders will soon be paid back in full, but that ever after both preferred and common stockholders will regularly receive heavy dividends.

We have placed upon the market 100,000 shares of the preferred stock for sale at par, \$1 per share, with a free stock bonus of 50 per cent in common stock. The money received from the sale of this stock will be used for the following purposes:

1. Six-mile flume, \$1,000 per mile	\$6,000
2. New planing mill and dry kiln, Columbia River	14,000
3. Additional logging equipment, including donkey engines, horses, etc.	10,000
4. Increase in capacity of sawmill	10,000
5. Purchase of timber land	60,000
	100,000

The sawmill is already yielding a handsome profit on the money invested, sufficient to pay 20 per cent per annum on the preferred stock outstanding. Upon the completion of the proposed flume and the various projected improvements the dividend rate will undoubtedly be materially increased. Dividends are payable twice each year, in January and in July. The first dividend of 10 per cent was paid upon all preferred stock issued and outstanding on January 2, 1908. The second was paid July 1, 1908, amounting to 10 per cent. This amount was paid to all preferred stockholders of record on that date. The third is due and payable January 2, 1909, and will also amount to 10 per cent. Under our form of organization the organizers can not receive a cent of dividends until the preferred stockholders have been paid back in full.

If the earnings from operating the mill were all thrown back into improvements and the purchase of additional timber land, the company would, to be sure, achieve a steady and a healthy growth. But by making more rapid progress through the sale of additional stock it is possible to secure land and timber while it is still reasonable in price.

The rapid increase in the cost of land in this remarkable valley can hardly be appreciated. Government land which ten years ago was open for settlement under the homestead laws has been patented and resold at \$10, \$20, \$50, and \$100 per acre. The end is not yet in sight. Across the Columbia, in Hood River, raw land sells at \$250 per acre and more.

Since purchasing the sawmill we have been steadily improving the plant with a view toward increasing its output and efficiency. We have installed new machinery which, at practically the same cost, increases the output, and therefore the net returns, by over 25 per cent. It is estimated that the net profits will by these improvements alone be increased nearly 50 per cent. We have doubled the capacity of the dam, which will now accommodate 500,000 feet of logs at one time. We have constructed a skidway, which decreases the cost of logging by 50 per cent.

We have nearly completed a new mess house and a bunk house for the men at the mill, are installing telephones, and in every way are endeavoring to make our plant the most up-to-date on the coast. There is the enormous demand for box material for the packing of apples, cherries, pears, strawberries, prunes, and fruit of all sorts, and the quantity of yellow pine and white fir for this purpose is almost unlimited. As soon as we have raised the necessary capital, we propose to include a thoroughly modern box factory with our plant, and there is no competition in the entire valley. We can ship box material to Hood River and up and down the Columbia and Willamette valleys and dispose of every kind of board we manufacture.

The officers and directors are drawing no salaries from the treasury of the company. Every dollar the plant earns, except what is applied as dividends on the preferred stock, is going back into improvements, with the idea of disposing of no more stock than is absolutely necessary to carry out the contemplated extensions.

We do not ask you to take our word for what we are doing. Write to either of the leading papers of the valley—the Bingen Observer, Bingen, Wash., or the Enterprise, White Salmon, Wash., inclosing a stamp. If this is not enough, write to Van Vorst & Wells, attorneys at law, White Salmon; McClintock & Simpson, hardware merchants, White Salmon; or to the White Salmon Valley Bank. All of these are familiar with our operations and are heartily in sympathy with us and our great work in the development of the valley.

We are operating under the name of the "Major Creek Sawmill," as this name is shorter and more convenient for general business purposes.

As an investment opportunity we believe that the preferred stock of this corporation is unsurpassed. It contains all the elements of a safe and profitable investment; it deals with a staple commodity, for which the demand increases year by year, while the supply decreases. The risks and hazards of mining have all been eliminated; there is no possibility of loss—all is above ground and may be estimated in advance. Dividends are already being earned and paid, and the coming years will see their rapid increase. We wish you to join us, and accordingly

solicit your subscription on the inclosed order blank. We trust you will fill it out and mail it to us with your remittance at once.
BRYAN R. DORR, President.

Mr. TILLMAN. In the face of this man's previous record, and the previous circular, which was printed in the RECORD last February, showing positively that he lied when he said I had made application and paid any fees, I ask Senators to weigh and consider the various aspects of the case to determine for themselves who is the innocent man here, or the man involved, and who is the guilty one—Theodore Roosevelt or BEN TILLMAN.

In looking at the language of the Postmaster-General and of the Attorney-General, together with their actions and the facts, I have been led to refresh my memory by reading in *As You Like It* the analysis of the lie. I had it copied, and I know all who have read it—and that means practically every person in this room—will enjoy having the perfume of the work of the great Bard of Avon come under their nostrils for a moment. I quote from Shakespeare's *As You Like It*, Act V, Scene IV:

Touchstone. If any man doubt that, let him put me to my purgation. I have trod a measure; I have flattered a lady; I have been politic with my friend, smooth with mine enemy; I have undone three tailors; I have had four quarrels, and like to have fought one.

Jaques. And how was that ta'en up?

Touchstone. Faith, we met, and found the quarrel was upon the seventh cause.

Jaques. But, for the seventh cause; how did you find the quarrel on the seventh cause?

Touchstone. Upon a lie seven times removed—bear your body more seeming, Audrey—as thus, sir. I did dislike the cut of a certain courtier's beard: he sent me word, if I said his beard was not cut well, he was in the mind it was: this is called the "retort courteous." If I sent him word again, it was not well cut, he would send me word, he cut it to please himself: this is called the "quip modest." If again, it was not well cut, he disabled my judgment: this is called the "reply churlish." If again, it was not well cut, he would answer, I spake not true: this is called the "reproof valiant." If again, it was not well cut, he would say, I lied: this is called the "countercheck quarrelsome;" and so to the "lie circumstantial," and the "lie direct."

Jaques. And how oft did you say, his beard was not well cut?

Touchstone. I durst go no further than the "lie circumstantial;" nor he durst not give me the "lie direct," and so we measured swords, and parted.

Jaques. Can you nominate in order now the degrees of the lie?

Touchstone. O sir, we quarrel in print, by the book, as you have books for good manners: I will name you the degrees. The first, the retort courteous; the second, the quip modest; the third, the reply churlish; the fourth, the reproof valiant; the fifth, the countercheck quarrelsome; the sixth, the lie with circumstance; the seventh, the lie direct. All these you may avoid, but the lie direct; and you may avoid that too, with an *if*. I knew when seven justices could not take up a quarrel; but when the parties were met themselves, one of them thought but of an *if*, as *if you said so, then I said so*; and they shook hands and swore brothers. Your *if* is the only peace-maker; much virtue in *if*.

I will not use any ifs this morning with respect to how much and what degree of falsehood has been indulged in by the two Cabinet officers or heads of departments or head clerks or bootlicks or flatterers or whatever other relationship exists between the President and those he has around him. Seeing the earnestness with which the Postmaster-General seeks to fortify his chief, seeing the sly way in which the Attorney-General sought to convey the impression that he had the law enforced, and that I could have found out about it in an hour, analyzing his statements in regard to what I said to him and the particularity with which he remembered what I said, "We might as well give it to them, because we give them about everything else; because they would have it after a while." Everything is in quotation, by memory, but he could not even recollect whether he had brought suit or not. He had to go to a subordinate to know whether this important duty imposed upon him by Congress had been performed. So I am not able just now to locate in the Ananias Club the degree to which these two distinguished gentlemen shall be entitled. I will, after consultation with some of the other leading members of that association or organization or whatever it is called, try to get a meeting of the executive committee and have William E. Chandler or some other analytical mind determine just what degree we shall confer upon Charles J. Bonaparte and this man Meyer.

Mr. President, as showing the efforts I made to get at the facts, I remember having written to the Interior Department last December to find out about the status of the Roseburg and Coos Bay land grant. I obtained a communication from Mr. Ballinger, Commissioner of Public Lands, giving a statement as to the number of acres which had been patented to that company in 1875, 1876, and 1887. I find that, in all, they have 105,000 acres patented. So zealous were they in Congress and out, so anxious to do away with the Government's title and confer it upon these men, who were then absorbing and had obtained, under the act of Congress of 1868, those valuable timber and coal lands, that they actually issued patents for 5,300 acres in excess of what they were entitled to.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 17, 1907.

In re Coos Bay wagon road lands.

Hon. B. R. TILLMAN,
U. S. Senate, City.

SIR: Replying to your letter of the 14th instant, I have to say that patents have issued to the Coos Bay Wagon Road Company in Oregon as follows:

	Acres.
No. 1. February 12, 1875, covering.....	42,496.93
No. 2. March 18, 1876, covering.....	1,080.00
No. 3. November 8, 1876, covering.....	61,111.53
No. 4. March 24, 1877, covering.....	431.65
Total.....	105,120.11

The area of the grant to said company being 99,819.35 acres, it appears that the excess patented to the company is 5,300.76 acres. Of this amount 1,099.59 acres were found to lie outside the limits of the grant, and suit instituted for the recovery thereof resulted in a final decree in the circuit court of the United States for the district of Oregon awarding to the United States the sum of \$1,099.59 in payment for such land. Of the remaining 4,201.17 acres patented in excess as aforesaid, I have to say that the lands having been patented as above, no specific tracts can be designated as the "excess" except possibly the 431.66 acres embraced in Patent No. 4 and 3,769.52 acres of the lands embraced in Patent No. 3 not required in satisfaction of the grant. As far back as 1897 this office recommended suit for the recovery of the excess patented to the company and prepared a list of such lands, basing it upon the theory that the lands farthest from the line of the road constituted the excess, but in this the Acting Attorney-General did not entirely concur, and this office has no official information as to whether the suit was ever instituted.

Very respectfully,

R. A. BALLINGER,
Commissioner.

I think it well worth the attention of the Committee on Public Lands to make inquiry—or I will have to offer a resolution here—to know whether these people still hold the 4,201 acres and whether any suit was ever brought; and if not, why not.

I have here in addition the correspondence taken from my stenographer's books and my letter files between myself and Russell R. Dorr, the father of young Dorr. He promised to have his son make restitution to those whom he had swindled and to act as a clean, honorable man, in which case I promised to join in an application to the Post-Office Department to remove the fraud order which had been issued against him. This proves conclusively that the fraud order had been issued and was in existence when Meyer said that the investigation was instituted to see about it.

ST. PAUL, MINN., February 21, 1908.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

DEAR SIR: I beg to hand you herewith clipping from the St. Paul Dispatch, of February 20, with my reply to the same, which appears in to-night's issue. Will you kindly let me know whether or not you are correctly quoted in the issue of February 20, and greatly oblige?

Very respectfully, yours,

RUSSELL R. DORR.

UNITED STATES SENATE,
Washington, D. C., February 24, 1908.

Mr. RUSSELL R. DORR,
512 New York Life Building, St. Paul, Minn.

DEAR SIR: I have your letter of February 21, with inclosed clippings, I send you a page cut from the CONGRESSIONAL RECORD, which will let you see just what I said in the Senate and why I said it. Your son may not be a swindler, but he has certainly been imposed upon or is a liar himself, one or the other. I have not bought any land, and no man can buy any until the courts settle the question as to the Pacific land grants. I also inclose a joint resolution, which I introduced and which passed the Senate, relating to this land, and a letter from the President giving the full history of the land grants in Oregon, some of which is advertised for sale by your son. I wanted to buy some of the land, but found I could get no title and that no one else can get any. If your son is an honorable man, he will refund the money he has got out of other people and quit the business.

Very truly, yours,

B. R. TILLMAN.

ST. PAUL, MINN., March 2, 1908.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of CONGRESSIONAL RECORD, with your favor of February 24, in which you say, among other things, that my son may not be a swindler, but that he has either been imposed upon or is a liar. Knowing that he is neither a swindler nor a liar, I will compromise with you on the ground that he may have been imposed upon. I am further willing to admit that one of his natural peculiarities is impulsiveness, and that the case in point is possibly an evidence of it. However, that is ordinarily a fault of the head rather than of the heart; and it may not be irrelevant to say that even Presidents and Senators with maturer judgment and much wider experience have suffered under the same charge within very recent years. And I further suggest that, with my son's business broken up and his character publicly assailed, what he has already suffered and must yet suffer is a sufficient penalty for an indiscretion committed in good faith and with no unlawful intent.

With you, Mr. Senator, I have no personal controversy, and desire none. I am concerned only with the vindication of the honor and integrity of my son. I am convinced that the statements contained in the circular letter were made in good faith and under the supposition that they were true and of general public knowledge. If the contrary is the fact, you should be relieved by a specific retraction.

I do not question your motives in the manner or form of your denial; but from your commanding position upon the floor of the Senate your voice was heard from the Atlantic to the Pacific, and my son, who had no protection or defense except such as his father could supply, was instantaneously branded by the Post-Office Department and the Associated Press as a swindler and a crook, when he was neither the one nor the other. Such hasty and arbitrary action as that might be anticipated in Russia or Bulgaria, but I do not recall another similar instance in the United States. In this country the presumption is that the only legally constituted body having authority to bring an indictment without giving the accused an opportunity to explain or defend is the grand jury.

I am to-day advised by telegraph from Washington that the fraud order will be revoked upon satisfactory proof of lawful intentions on my son's part. Hoping that the information is correct, I would esteem it a favor to be advised as to the nature and character of the required proof. I submit to you herewith a copy of the frank and mainly communication of my son to the honorable Postmaster-General, under date of February 21. To my mind—and I have endeavored to consider it from a disinterested standpoint—it is in itself as ample evidence of sincerity and of "lawful intention" as could be furnished. I hardly see how it could be strengthened except by the quite unnecessary formality of an oath. In connection therewith I desire to call your attention to the fact that this Coos Bay wagon grant matter was entirely an incidental side issue, independent of the main purpose of the Syndicate Timber Company, that only four orders were received, and that my son placed the money therefrom in the bank as trustee for the syndicate. If he had had the remotest purpose to defraud, he would have put the money in his pocket instead of in the bank as trustee. Swindlers do not pursue that course.

Under date of February 21 my son writes me as follows:
"The Government has passed a fraud order against me on account of the circulars about the Coos Bay wagon road grant. * * * I had no intention of deceiving or defrauding anyone, and am still of the opinion that it was a good business venture for anyone who applied, considering the large profits in case of the successful outcome of the suit. Whether I am able to clear myself or not, it is a very serious matter and has come like a cloud out of a clear sky. But I care more about the fact that your name can not help being touched, too, and that you are worrying and suffering and grieving on my account. * * * I do not ask your help or aid; indeed, there is nothing you could do as far as I can see; my goose is cooked in a business way, and that settles it. I may have to begin life over again somewhere else, * * * and probably it will have to be on a farm, or in the woods. But I am not going to run away from my prosecutors anyway."

I had made a personal appeal to the President, and have communicated with Senator Proctor, Hon. Wendell P. Stafford, of the supreme court of the District of Columbia; Senator CLAPP, and Congressman STEVENS, of Minnesota, and I further ask for your concurrence in the immediate revocation of the fraud order, so that my son may proceed as best he can under these trying circumstances with the business of the corporation and clear his name from the stigma that has been cast upon it.

Very respectfully, yours,

RUSSELL R. DORR.

MORE ABOUT THE COOS BAY WAGON ROAD GRANT.

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
Portland, Oreg., February 18.

DEAR SIR: Your last opportunity to join in this suit against the Southern Oregon Company will expire March 1. The suit is now pending in the United States district court, and Senator TILLMAN is one of the plaintiffs. I urge you to act without further delay, as this opportunity is absolutely unparalleled. Prominent men from here are joining us every day, such as H. C. Wortman, leading merchant, of Olds, Wortman & King; Louis P. Reno, of Reno & Ballis, manufacturers; C. J. Allen, retired capitalist; E. B. MacFarland, of the MacFarland Investment Company; F. O. Northrup, real estate; and George J. Schaefer, real estate, Portland and Coos Bay. All are confident of success, and the list will positively be closed on March 1.

There is, in my opinion, absolutely no tenable ground upon which the Southern Oregon Company can defend its title to this property. But even if it had an even chance of winning, would it not be good business for you to risk \$200 to win \$5,000 or more? "Pitchfork" TILLMAN is reputed to be the most aggressive man in the United States Senate, and is in a position to force matters to an immediate issue. If he is willing to take ten claims and spend his own money, time, and energy over the matter, are you not willing to come in to the extent of \$200? Do not hesitate to use the wire at our expense when ordering.

Very truly, yours,

BRYAN R. DORR, President.

UNITED STATES SENATE,
Washington, D. C., March 5, 1908.

Mr. RUSSELL R. DORR,
512 New York Life Building,
Washington, D. C.

DEAR SIR: I have your letter of March 2. Since writing you last I have had two calls from Mr. McMillen, representing himself as a friend and associate of yours, and have talked over the whole matter with him. He declared it to be the purpose of the timber syndicate to make good by repayment all of the moneys received by your son, and I told him I would ask the Post-Office Department to withdraw the fraud order upon satisfactory proof that there was no intention to defraud and that all persons who had been induced to send money by the untruthful circulars had been reimbursed. It is not worth while for us to dispute over the matter of motive or integrity of purpose. I was made angry by the unwarranted use of my name in furtherance of what I considered a swindle, and I took prompt action to correct it, both in the Senate and at the Post-Office Department. If your son carries out the promises made by McMillen and I am furnished the evidence to that effect, I will do what I agreed to do.

Very truly, yours,

B. R. TILLMAN.

ST. PAUL AND PACIFIC TIMBER SYNDICATE,
Portland, Oreg., February 21, 1907.

HON. SENATOR TILLMAN,
Washington, D. C.

DEAR SIR: I learn to-day that a fraud order has been issued against me for using your name in connection with circulars which I sent out a few days ago relative to the Coos Bay Wagon Road grant. I am to-day

writing the Postmaster-General with full information as to the facts which led me to suppose you were associated with the suit in equity which has just been filed. I assure you that no fraud was intended by this proposition of mine, and I was simply acting as agent for other parties, who had been handling the same proposition ever since last October. If any fraud can be shown, I will gladly return the amount sent in by the few applicants who have already sent in their names, as I am the last person who would attempt to succeed by fraud. I feel that it was unjust to stop my mail before giving me an opportunity to make a full answer to the charges, and I am sure that you will agree with me in this respect upon further investigation. My name, my reputation, and my future prospects have been ruined, or at least seriously blighted, by this affair, and even when it is shown that I am not at fault in the matter the stigma will never be entirely removed.

I regret exceedingly that your name was used without your authorization, and I assure you that it would not have been used had not I supposed that the facts stated were matters of general report. I had reason to suppose that my authority was conclusive, and I got my informant to put the statements in writing only a day or two ago, when I began to have doubts as to their authenticity, after learning of your speech on the floor of the Senate. Can you not use your influence to have the fraud order against me rescinded?

Very respectfully, yours,

BRYAN R. DORR.

From time to time I may be called on to intrude this land matter upon the Senate. I am not uneasy about it; I sleep well every night; but it seems to me it is getting high time for either an investigation or a vindication. I do not want to rush the Senate unduly to pass any resolution. We as a body have been advertised throughout the length and breadth of this land, in some papers, for years—the whole of us—officially, others as individuals, as a lot of scoundrels and tools of millionaires and corporations, caring for our own interests rather than those of the people. A great deal of this has emanated directly from the White House. I do not want anybody to be able to say that the President proved TILLMAN to be a liar and to be interested in legislation which would enable him to make money. I could have obtained but 1,440 acres, while the interests involved in the resolution which was passed, in the law enacted at my initiative, embraced over 2,100,000 acres of land. I do not know what per cent that is—1,440 against 2,100,000 acres. But if Roosevelt or anybody else in official life has no more percentage of the rascal in him than that, he will be prepared to sit alongside of St. Peter, if he should ever reach the golden gate.

I do not want anybody to say that the Senate is in a hurry to whitewash TILLMAN. TILLMAN wants the Senate, in its own good way, to search out the facts and determine whether or not there is a scintilla of justification for or foundation in Roosevelt's charges. I courted it in my speech. I demanded it. I realize that if the Senate goes about the business of investigating every charge that is sent around and published against members of this body, we will do nothing but investigate each other. It is only because the President of the United States is a prosecutor in this case that I feel any concern to have it settled. But I submit to you, gentlemen, that it is nothing but right, if you are not satisfied with the showing I have made, to investigate. I am prepared to go on the stand and produce the few witnesses I want called. If you are satisfied, it is due you, as well as it is due me, that something be done without having it dawdle along here until the impression becomes fixed in the minds of the people of the country that I am guilty, but you are afraid to investigate and you are slow to vindicate. Do whatever you see fit to do, but do something.

BILLS INTRODUCED.

Mr. FORAKER introduced a bill (S. 8451) granting an increase of pension to Edward H. Richards, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8452) granting an increase of pension to William M. Clapp, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8453) granting a pension to Frances L. Haba, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8454) for the relief of Daniel M. Frost, which was read twice by its title and referred to the Committee on Claims.

Mr. HALE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8455) granting an increase of pension to Darius S. Sanborn; and

A bill (S. 8456) granting a pension to Mary Bradford Crowninshield.

Mr. CLAPP introduced a bill (S. 8457) granting a pension to Joshua Foster, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 8458) granting an increase of pension to Mary E. Lucas, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 8459) granting an increase of pension to James H. Shippee, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 8460) to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Maryland introduced a bill (S. 8461) to amend an act authorizing the Washington, Spa Springs and Greta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, which was read twice by its title and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MILTON introduced a bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia or in any Territory of the United States, and making the issue of such marriage, if any, incapable of inheritance, and prescribing a penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TAYLOR introduced a bill (S. 8463) for the relief of the estates of Samuel Brockman, P. H. Porter, and Frederick Klooz, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8464) for the relief of the legal representatives of William H. Miller, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. DILLINGHAM (for Mr. GALLINGER) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 8465) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; and

A bill (S. 8466) to prevent prize fighting on vessels using the wharfe facilities of the District of Columbia.

Mr. du PONT introduced a bill (S. 8467) for the relief of the heirs of the late John W. Massey, which was read twice by its title and referred to the Committee on Claims.

Mr. SUTHERLAND introduced a bill (S. 8468) granting an increase of pension to George W. Muncy, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8469) granting an increase of pension to Louis Miller, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 8470) granting an increase of pension to George E. Wilkinson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 8471) for the relief of the estate of John Stewart, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 8472) granting an increase of pension to John Deneen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CUMMINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8473) granting an increase of pension to David H. Hill;

A bill (S. 8474) granting an increase of pension to John Deltrick;

A bill (S. 8475) granting an increase of pension to James W. Tucker;

A bill (S. 8476) granting a pension to Ellen A. Hummer; and

A bill (S. 8477) granting an increase of pension to David Stout.

Mr. LODGE introduced a bill (S. 8478) to provide for payment of the claims of certain religious orders in the Philippine Islands, which was read twice by its title and referred to the Committee on the Philippines.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8479) granting an increase of pension to William H. Strehlow;

A bill (S. 8480) granting an increase of pension to John Charles;

A bill (S. 8481) granting an increase of pension to Sylvester Hill;

A bill (S. 8482) granting an increase of pension to Samuel W. Townsend;

A bill (S. 8483) granting an increase of pension to Peter Hancke;

A bill (S. 8484) granting an increase of pension to Evelyn Dutton;

A bill (S. 8485) granting an increase of pension to Matthew M. Salisbury; and

A bill (S. 8486) granting an increase of pension to John A. Farmer.

Mr. FORAKER introduced a bill (S. 8487) to correct the military record of Michael Fitz Simmons, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. NIXON introduced a bill (S. 8488) to provide for relief of delinquent water-right applicants under the provisions of the reclamation act, which was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CULLOM introduced a bill (S. 8489) granting an increase of pension to Robert H. Maricle, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 8490) granting an increase of pension to William L. Olmstead;

A bill (S. 8491) granting a pension to Eliza J. Brawley;

A bill (S. 8492) granting a pension to Ellen Hungerford;

A bill (S. 8493) granting an increase of pension to Daniel Huck;

A bill (S. 8494) granting an increase of pension to William V. Sheets;

A bill (S. 8495) granting an increase of pension to John Burritt;

A bill (S. 8496) granting an increase of pension to John Smith;

A bill (S. 8497) granting an increase of pension to William Evans;

A bill (S. 8498) granting an increase of pension to John Rose;

A bill (S. 8499) granting an increase of pension to Richard W. Capen;

A bill (S. 8500) granting an increase of pension to Joseph Tillotson;

A bill (S. 8501) granting an increase of pension to Edward J. Golden;

A bill (S. 8502) granting an increase of pension to George H. Schwemmerhorn;

A bill (S. 8503) granting a pension to Charles M. Kester;

A bill (S. 8504) granting an increase of pension to John W. Brisbois;

A bill (S. 8505) granting an increase of pension to Reuben F. King;

A bill (S. 8506) granting an increase of pension to Charles A. Carter; and

A bill (S. 8507) granting an increase of pension to Martin V. Briggs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BULKELEY submitted an amendment proposing to increase the appropriation for appliances other than artificial limbs for disabled soldiers, Medical Corps, U. S. Army, from \$2,000 to \$10,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment providing that jurors and witnesses in United States courts in the Territory of Hawaii shall receive the same compensation for mileage and attendance as is now provided by law for jurors and witnesses in the Territories of New Mexico and Arizona, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. DICK submitted an amendment providing that on and after July 1, 1909, the compensation of the messengers employed in the United States Senate shall be \$1,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$29,000 for the construction of a trunk sewer in the subdivision of North Columbia Heights, D. C., etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. RAYNER submitted an amendment intended to be proposed by him to House bill 15372, commonly called the "omnibus

claims bill," which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

JAMES AND WILLIAM CROOKS.

Mr. CLAPP submitted the following resolution (S. Res. 250), which was considered by unanimous consent and agreed to:

Resolved, That the Court of Claims be requested to return to the Senate the papers and Senate bill No. 3717, which was heretofore referred to said Court of Claims for findings of fact.

IMPROVEMENT OF SABINE PASS, TEXAS.

Mr. CULBERSON. At the request of the Member of the House of Representatives from the district in which the waterway is situated, I offer a concurrent resolution, and ask its reference to the Committee on Commerce. I have not yet had an opportunity to examine the matter in person.

The resolution (S. C. Res. 69) was read and referred to the Committee on Commerce, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of the jetties and channel of Sabine Pass, in the State of Texas, from the 30-foot contour beyond the bar at the entrance to said Sabine Pass to and including the turning basin at Port Arthur, with a view to widening the channel and the Port Arthur ship canal to 200 feet at bottom and increasing the depth thereof and of the turning basin to 30 feet at mean low Gulf tide, together with the extension of the walls of the existing jetties to the 30-foot contour, and to submit estimates for such improvements.

2. That the Secretary of War be, and he is hereby, also authorized and directed to cause to be made an examination and survey of Taylors Bayou and the lumber slip adjacent thereto, with the view of removing the narrow strip of land separating Taylors Bayou and lumber slip and the deepening of said Taylors Bayou and lumber slip for a length of 2,500 feet to a depth of 30 feet.

LOCOMOTIVE-BOILER EXPLOSIONS.

Mr. BURKETT. I offer a resolution and ask for its present consideration. It merely calls for information.

The resolution (S. Res. 249) was read and considered by unanimous consent, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to send to the Senate a statement showing the number of railroad employees and other persons killed and injured and the value of property destroyed as a result of locomotive-boiler explosions for each year since July 31, 1903.

Mr. KEAN. Let me ask the Senator from Nebraska whether that is not required by statute at present?

Mr. BURKETT. It is not. They have it compiled, but we have not the information here.

Mr. KEAN. Is it not required by statute to be sent to Congress every year?

Mr. BURKETT. I think not. I think it is not required to be sent here.

Mr. KEAN. Is it not in the report of the Interstate Commerce Commission?

Mr. BURKETT. It is not included in the list of accidents.

Mr. KEAN. I have no objection to the resolution.

The resolution was agreed to.

IMPROVEMENT OF SAN FRANCISCO BAY, CALIFORNIA.

Mr. PERKINS, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 63, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the bar of San Francisco Bay, in the State of California, to confirm the depths shown on the charts of the Coast and Geodetic Survey, and to cause estimates to be made for a project of improvement of the North, or Bonita, Channel by the removal of Centissima and Sears rocks, and report the same to Congress.

IMPROVEMENT OF OAKLAND HARBOR, CALIFORNIA.

Mr. PERKINS, from the Committee on Commerce, to whom was referred Senate concurrent resolution No. 64, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause to be made a resurvey of Oakland Harbor, Alameda County, Cal., with a view of improving the same to meet the present and future demands of commerce, and to submit estimates of cost of the following three projects: Project No. 1: A channel 700 to 800 feet wide and 25 feet deep from San Francisco Bay to the foot of Tenth avenue extended, thence around Brooklyn Basin 500 to 700 feet wide and 25 feet deep at low tide. Project No. 2: Same as project 1, except that depth be 30 feet at low tide. Project No. 3: Same as projects Nos. 1 and 2, except that the whole of Brooklyn Basin be dredged to pierhead line at a uniform depth of 25 or 30 feet at low tide.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 216. Joint resolution for a special "Lincoln" postage stamp was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No.

658), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

In pursuance of the requirement of section 2 of the act of Congress approved May 22, 1908, providing "for the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," I transmit herewith a copy of a detailed statement of expenditures made to December 31, 1908, by the commissioners-general appointed under the act.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 14, 1909.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 657), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, covering one from the commissioners-general of the United States to the Tokyo Exposition of 1912, made in pursuance of the requirements of section 2 of the act of Congress approved May 22, 1908, providing for "the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912."

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 14, 1909.

PROTECTION OF HARBOR AT SAN PEDRO, CAL.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 656), which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the following paragraph in the act of Congress entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved May 27, 1908,

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor at San Pedro, Cal., and the cities in that vicinity, and if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately."

I transmit the accompanying communication from the Secretary of War submitting the information called for.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 14, 1909.

PORT PECK INDIAN RESERVATION, MONT.

Mr. DIXON. I report back from the Committee on Indian Affairs favorably, without amendment, the bill (S. 8439) authorizing the Secretary of the Interior to appraise lands in the Fort Peck Indian Reservation, Mont., and grant the same to the Great Northern Railway, and I submit a report (No. 763) thereon. I call the attention of the Senator from Minnesota [Mr. CLAPP] to the bill.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

Mr. FULTON. I simply desire to state that while I will not make any objection to the consideration of the pending bill, I can not consent that much more time shall be taken up in the consideration of bills this morning, because I must ask that the special order be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUNTLEY IRRIGATION PROJECT, MONTANA.

Mr. DIXON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8357) to extend the time for disposing of lands on the Huntley project within the ceded Crow Indian Reservation, Mont., to report it favorably without amendment, and I submit a report (No. 762) thereon.

I should like, under the emergency of the case, to ask for the present consideration of this short bill. I will say for the information of the Senator from Oregon that one of the large irrigation projects was constructed on this reservation. The five-year period will expire in April, and if this legislation is not had several thousand acres will be thrown upon the market.

Mr. FULTON. It is a very short bill, the Senator says.

Mr. DIXON. It is a bill of about ten lines, and under the emergency of the case, I ask for its present consideration.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That any of the lands withdrawn under the reclamation act in pursuance of the provisions of section 5 of the act of Congress approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect," which are not disposed of within five years from the date of the passage of said act shall

remain subject to disposal under the provisions of the reclamation act until otherwise directed by the Secretary of the Interior.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate House bill 15372, the "omnibus claims bill," so called.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

The VICE-PRESIDENT. The pending amendment is on page 40, line 14.

Mr. FULTON. Mr. President—

Mr. KEAN. I have not heard any 40 pages of the bill read yet.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. FULTON. I yield to the Senator for a question.

Mr. KEAN. I said I had not heard 40 pages of the bill read as yet.

Mr. FULTON. There were some 39 pages of the bill read. The reading of the bill was begun at the last session and proceeded with thus far.

Mr. KEAN. So I remember.

Mr. ALDRICH. Upon what order is the bill being proceeded with?

The VICE-PRESIDENT. Under a unanimous-consent agreement made on the 4th of January.

Mr. ALDRICH. I mean, what is the status of the bill now?

The VICE-PRESIDENT. It is being read for action on the committee amendments.

Mr. ALDRICH. Under an order of the Senate?

The VICE-PRESIDENT. Under an order of the Senate.

Mr. ALDRICH. Is that order available so that it can be called to the attention of the Senate?

Mr. FULTON. The order was made at the last session when the bill was called up.

Mr. ALDRICH. I should like to know the precise terms of it.

Mr. BULKELEY. I should like to know if other amendments than committee amendments are in order at the present time.

The VICE-PRESIDENT. The Senator from Rhode Island has asked for the text of the agreement under which the bill is taken up.

Mr. BULKELEY. I beg pardon.

The VICE-PRESIDENT. Has the Senator from Oregon the date when he made his original request for unanimous consent? The original request was modified on the 4th of January.

Mr. FULTON. That is, at the present session.

The VICE-PRESIDENT. The Senator from Rhode Island desires the text of the original agreement. The Chair does not have it before it.

Mr. FULTON. I have not the date, Mr. President.

The VICE-PRESIDENT. Does the Senator from Oregon recall the date when he made the request?

Mr. FULTON. Does the Chair refer to the date when the bill was first brought before the Senate at the last session or the present session?

The VICE-PRESIDENT. The date when the unanimous consent was given to make it the special order of business on Wednesday, January 6.

Mr. FULTON. I do not recall the date. The Senator from South Carolina [Mr. TILMAN] advises me that it was on the 16th of December. I will state to the Chair, however, if I may be permitted, that at that time there was no order taken as to the course of proceeding in considering the bill. The only order taken was at the last session of Congress when the bill was up for consideration.

I ask, as a parliamentary inquiry, whether under our unanimous agreement to proceed with the bill we would not proceed along the same lines and under the same agreement under which the bill was originally taken up?

The VICE-PRESIDENT. The Chair is of the opinion that the terms of the later unanimous-consent agreement, unless in conflict with the terms of the original agreement, under which the consideration of the bill was taken up, would not modify the original terms. The Chair finds a memorandum on the bill, dated March 19, 1908, as follows:

Agreement on March 19, 1908, that the bill be read for amendment, the committee amendments to be first considered.

Mr. FULTON. Yes.

The VICE-PRESIDENT. The Chair has not the Record at hand, and is not advised as to whether there has been any subsequent modification of that agreement.

Mr. FULTON. There has been none.

The VICE-PRESIDENT. The Chair is under the impression that there has been no modification. The Chair will state further, for the information of the Senate, that May 22, 1908, the reading of the bill reached line 14, page 40, and that the question now is upon the amendment offered by the Senator from Arkansas [Mr. CLARKE] to the amendment of the committee, which will be read.

The SECRETARY. On page 40, line 14, in the proposed committee amendment, after the word "Arkansas," insert the words "four thousand," so that if amended the paragraph will read:

To the trustees of the Methodist Episcopal Church South, Clarks-ville, Ark., \$4,400.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas to the amendment of the committee.

Mr. KEAN. I should like to have some explanation of the amendment to the amendment. I see that as the bill was reported the committee proposed the payment of \$400.

Mr. CLARKE of Arkansas. Mr. President, if the question of consideration has been settled, I will make an announcement in connection with the amendment to the amendment and then withdraw it.

I understand the Committee on Claims have made a fair estimate of what they thought can be enacted into law as to the amounts and as to the particular character of the claims to be considered. I feel satisfied that the committee has acted for the best interest in the light of the present state of the revenue and the amount of appropriation necessary to incorporate in the bill at this time.

This particular claim is just for the entire amount if it is just for any part of it. This Methodist Church at Clarks-ville, Ark., was used by the federal forces for a commissary shelter or place of deposit for stores, and upon the approach of the enemy it was destroyed in order to prevent the stores from falling into the hands of the Confederate forces that were approaching.

The committee saw proper to allow \$400 with a finding of \$4,400 by the Court of Claims. I thought I would submit to the Senate the question as to whether or not there was any foundation for making that sort of a deduction from the amount of the claim. I have a number of other claims which were adjudicated as to their validity by the Court of Claims that would follow in the event this particular amendment was adopted. I withdraw it now, with the distinct understanding that in accepting \$400 as provided for in the bill I shall not in any wise prejudice the right in future on some other occasion to present this case as it would be presented now. With the distinct understanding that in the acceptance of this amount we do not preclude ourselves from making that claim, nor are we to be met with an estoppel at that time when it shall hereafter be presented, I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Arkansas withdraws the amendment to the amendment.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Rhode Island?

Mr. FULTON. I yield to the Senator.

Mr. ALDRICH. When the bill was last before the Senate—I think the Senator from Oregon was absent—I sought some information as to how many claims were in existence within the knowledge of the committee similar to the claims that are covered by the bill. These are largely war claims, and this is now the year 1909. The war closed in 1865. This bill carries many millions of dollars. I have supposed that at some time in the course of the history of this country we would reach an end to war claims; but our experience has been that year after year these claims increase in amount and increase in number. There should be a limit fixed somewhere when we shall stop the payment of this kind of claims.

I am not criticising the action of the committee at all in the presentation of the bill, but I think the committee owe it to the Senate to make a statement, if they can, of approximately the amount of the unsettled claims and approximately the time within which these claims shall be closed.

Mr. HOPKINS. I should like to ask the Senator from Rhode Island, before he takes his seat, if it is not a fact that under the existing laws these claims are barred and only have a standing here by the action of the committee?

Mr. ALDRICH. I am not sure about that.

Mr. FULTON. In the first place, Mr. President, I desire to say to the Senator from Rhode Island that he is mistaken

about my having been absent the last time the bill was before the Senate. I have been here during all the time the bill has been before the Senate. The Senator was possibly not present himself when I made the statement when the bill was first taken up for consideration.

I can not undertake even to estimate the number of claims of this character that are still pending before Congress and before the courts. There are hundreds of them, and I suppose I would be justified in saying thousands.

I fully concur in what the Senator has said, that there should be some time in the history of this country when we shall cease paying this character of claims. I, myself, think the time has arrived, and I have advocated a change of the existing law under which these claims appear before the Senate in this bill.

In answer to the Senator from Illinois [Mr. HOPKINS] I will say it is true that, so far as any right to present these matters is concerned, they are barred, because there was a statute passed some years ago that limited the time in which claims of this character should be recognized. I do not remember just the date of that statute, but it was many years ago. The bills were continually brought before the Senate, and finally provision was made in the Tucker Act, whereby they might be referred to the Court of Claims for findings. The court was directed to report whether or not any facts were shown in evidence that would tend to excuse the delay in presenting the claims to Congress. They usually find some excuse, and the court usually reports some excuse. As a result these claims come back in large numbers, and the findings apparently are in favor of the claimant, and there is no way to question the verity of them.

As a matter of fact, Mr. President, I think that the sending of claims of this character to the Court of Claims should cease. I have proposed to amend the Tucker Act by repealing the section of it under which these claims are sent to the Court of Claims, because when what we call a "war claim" goes down before the Court of Claims the Government is practically helpless on the question of loyalty and, indeed, on every other question. The claimant will introduce some character of testimony, some aged person swearing that he knew the claimant or the ancestor of the claimant, and that he was loyal. There is no way to meet that.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. In just a second. I say there is no way to meet that character of testimony, because it is so far away from the scene of action. I now yield to the Senator from Illinois.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. There is but one amendment to be offered by me to be disposed of in connection with the pending bill. I offer the amendment which I send to the desk.

Mr. HOPKINS. I should like to know where I am left.

The VICE-PRESIDENT. The Senator was cut off by the expiration of the morning hour. The Senator from Montana proposes an amendment. Does the Senator withdraw the pending amendment?

Mr. CARTER. I withdraw the pending amendment and offer this amendment in lieu of it.

The VICE-PRESIDENT. The Senator from Montana withdraws the pending amendment and proposes an amendment, which will be read.

The SECRETARY. On page 5 strike out all of section 7, and in lieu thereof insert:

SEC. 7. That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe, but interest shall not be computed or allowed on any amount less than \$1 or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed \$500, exclusive of accumulated interest.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. For a question.

Mr. TILLMAN. I wish to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina

risers to a parliamentary inquiry. He will state his parliamentary inquiry.

Mr. TILLMAN. We had the omnibus claims bill before us, and there was a discussion going on between several Senators as to some proposed amendment. Two o'clock having arrived, the unfinished business was laid before the Senate. That necessarily, I suppose, lays the other bill on Senators' desks.

The VICE-PRESIDENT. The omnibus claims bill was before the Senate under a unanimous-consent agreement, which expressly provided that it should not interfere with the consideration of appropriation bills and the unfinished business.

Mr. TILLMAN. Then the omnibus claims bill is laid aside?

The VICE-PRESIDENT. It is laid aside.

Mr. TILLMAN. I just wanted to know where we were all left.

The VICE-PRESIDENT. The Senator from Montana will proceed.

Mr. CARTER. The substitute I offer for section 7 is presented because of considerable discussion and some objection to the basis upon which interest should be computed on postal savings.

The bill as originally reported to the Senate provided that interest should be computed on the average balance of each quarter of a year. It was suggested that computation on a basis of quarterly balances would involve too much clerical labor. In order to meet that objection the amendment, which was pending a few moments ago and by me withdrawn, proposed to compute interest upon the basis of the average semi-annual balance. In the course of the discussion it developed that many Senators regarded this basis as unjust to the depositor. An instance was cited where a person might make a deposit upon the 2d or 3d of January, which deposit would not begin to draw interest until the first day of the fiscal year, to wit, the 1st of the following July. There seemed to be much merit in this suggestion, and it led me to prepare the amendment which has just been read. This amendment provides—

That interest at the rate of 2 per cent per annum shall be allowed and entered in the pass book to the credit of the depositor once in each year, the same to be computed on such basis and under such rules and regulations as the Postmaster-General may prescribe.

I believe if the Postmaster-General ascertains that the burden of clerical work will not be too great he will provide for computation upon a basis of monthly average. If, however, that is found impracticable, then resort may be had to computation on the basis of the average quarterly balance to the credit of the depositor; and if in the last analysis it is found that this period of time is too short and that in consequence the clerical work is too great, the half-yearly basis will be imposed.

I assume that the executive officer in charge of the administration of the law will seek to do justice to the depositors in so far as possible, considering the clerical work connected with the computation and entries of credits to the depositor from time to time.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. CARTER. With pleasure.

Mr. HOPKINS. As I understand, Mr. President, the purpose of the bill is not to come in competition with savings banks and banks that pay interest on deposits, and this amendment that is now being debated should not be so construed by the Postmaster-General as to make it an object to depositors in banks to go to one of these depositories to deposit his funds instead of a savings bank under the state laws or a national bank that pays interest on deposits.

Mr. CARTER. The Senator correctly interprets the purpose of the bill. It is not in contemplation that the postal savings bank system here proposed will enter into competition with established banking institutions of any kind. I think a fair consideration of the measure in connection with the experience of those countries in which like provisions have obtained will show that, far from injuring or interfering with established banking institutions, the postal savings system will be in aid of the financial operations of the country generally, in that money in hiding constantly—money that seeks a hiding place in the presence of financial disturbance—will be collected together in the postal savings depositories, because of widespread opportunity and unquestionable safety.

The rate of interest allowed is but 2 per cent per annum, whereas throughout all the States, on the average, the savings banks pay over three and a half per cent per annum, and in certain sections of the country the rate of interest paid by banks will be found much in excess of the interest I have stated as the average paid by the savings banks. The result, I think,

will be that the individual who collects small sums from time to time in the post-office will, for the purpose of getting a greater interest, when a considerable sum shall have been amassed, deposit in the savings bank, or in the regular commercial bank, or the trust company, or in some institution willing to pay a higher rate of interest. That has been the experience throughout the United Kingdom in all the years this system has been in operation since 1861.

I think we may dwell with considerable profit upon the banking achievements of Great Britain since 1861. Never in the history of that great Kingdom has the banking system been greater or the banking activity more widespread or effective than since the establishment of the postal savings bank system. The deposits in the savings banks conducted outside of the postal system in the commercial institutions have steadily increased in volume side by side with the increase in the postal savings deposits.

I would that persons interested in banking throughout the United States could inform themselves of the history of postal savings banks and of the provisions of this bill before they do what many unfortunately do, condemn the system as unworkable in this country. Such an investigation would disclose the fact that the postal savings system was established in England in 1861, after fifty years of the most stubbornly contested fight ever precipitated by any measure presented for the consideration of the British Parliament. In that year, under the leadership of a statesman whose fame is secure, Mr. Gladstone, the system was established, and it was the pioneer system of the world.

The lead of England has since been followed by every country in the world, the United States and Germany alone excepted, which claims to be a first-class power. Nay, beyond that, Mr. President, all the smaller states of Europe, Spain alone excepted, have the postal savings system, and in no instance has a backward step been taken in this line of legislation. The system has developed thrift amongst the people, a disposition to save the pennies and to keep them actively at work. It was this system which led to the development of such splendid financial strength in France. It is this system which to-day furnishes the ballast for the great Empire of Japan in her financial operations, the pennies of the people placed at the service of commerce and trade, while at the same time serving a useful purpose and developing better citizenship because of the developed thrift. No man can fail to be a better citizen of this Republic who has a small stake in the postal savings banks of the country. No man will shoulder a gun and fire at the flag that waves over the post-office where his savings are husbanded.

There is behind this bill, Mr. President, a purpose better, I think, than the contemplation of profit, because it behooves those in charge of the government of this great country, extending over such a broad territorial area, to so legislate as to interest the people in the Government of the United States, to have the people realize that in truth and in fact it is a Government for the people; and I am amazed that we find in this country men—money changers—putting their profit-yielding possibilities up against the creation of better citizenship, more profound interest to the average man in the operations of his Government.

But I did not contemplate when I arose proceeding at length with an address this morning. I was led away by the question of the Senator from Illinois [Mr. HOPKINS], which was a very proper question, and I am glad to have been permitted to respond to it.

Mr. BURKETT. Mr. President, before the Senator sits down—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. Certainly.

Mr. BURKETT. I should like to know a little more about the amendment which he has introduced. I objected in some remarks I made the other day to an amendment which the Senator offered on account of the possibility of depriving the depositors of their interest for over eleven months, and the Senator finally admitted that that would be the case. In those remarks it developed, however, that it was the opinion of the Postmaster-General that that sort of an amendment should be made. Do I understand the Senator, then, in introducing this amendment, in leaving this to the Postmaster-General, to tie this up with his opinion, and still have the interest calculated the same way as in the amendment which the Senator offered the other day?

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I shall be glad to do so as soon as I have answered the question of the Senator from Nebraska [Mr. BURKETT].

Mr. FULTON. Will the Senator kindly yield to me a moment before he answers?

Mr. CARTER. I have no objection, if the Senator from Nebraska has not.

The VICE-PRESIDENT. The Senator from Montana yields to the Senator from Oregon.

Mr. FULTON. I want to suggest to the Senator from Montana [Mr. CARTER] and to the Senator from Nebraska [Mr. BURKETT] that I hope they can see their way clear to let us now proceed with the omnibus claims bill. I submit that while, of course, they have a perfect right and are within their parliamentary right and privilege to discuss here all the afternoon the unfinished business, the Senate has devoted a good deal of time to the unfinished business so far, and I submit that we all know that there is no probability of the Senate reaching a vote on that measure at the present session.

Mr. CARTER. I do not know that.

Mr. FULTON. We ought to be allowed to proceed with those matters on which we can get a vote.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. I do.

Mr. HOPKINS. If there are any other Senators who entertain the views expressed by the Senator from Oregon, that the bill relating to the postal savings banks is not to reach a vote at this session, I trust the Senator from Montana will push his bill in time and out of time. It is a measure in the interest of the people. The Republican party by its national platform is committed to it; the President of the United States has recommended it, and the President-elect is in favor of it. If there is any measure which should receive favorable consideration at the hands of the Senate at this session, it is the bill now under consideration, in charge of the Senator from Montana.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I think I will yield to the Senator from Oregon.

Mr. FULTON. I do not wish to presume to occupy the position of intending to assume to know more about the probable vote on the bill, which is the unfinished business, than any other Senator, but I beg leave very calmly to express the prediction that the Senator's bill is not going to reach a vote at the present session of Congress.

Mr. CARTER. Of course the Senator from Oregon will aid us to the extent of his ability in securing a vote.

Mr. FULTON. Certainly, sir. I have said that I would vote for the measure, and should be glad to vote for it, but I also beg the Senator from Montana to aid me to the extent of his ability in getting a vote on the omnibus claims bill, in which the Senate is interested, and which has been pending here now for two sessions. We can very quickly get it out of the way. I say, in all good faith, to the Senator that I do not think the time ought to be taken up now in the discussion of the unfinished business when we have started in with the consideration of the claims bill. I trust the Senator from Montana will not be offended by what I say, but the situation appears to me to be as I have stated it.

Mr. CARTER. Mr. President, I realize the very earnest desire of the Senator from Oregon to make progress. I took occasion to state, when the unfinished business was placed before the Senate, that my present desire was to have the committee amendments disposed of, so that Senators might view the bill pending as the unfinished business, in its finished state so far as the committee are concerned, prepared for amendments to be offered by Senators generally.

The amendment under consideration is very brief and in the nature of a compromise of the conflicting views of Senators as previously expressed.

In reply to the Senator from Nebraska [Mr. BURKETT] I will say that it is not contemplated that the Postmaster-General, in the exercise of his discretion under the amendment I have offered, will accept the half-yearly basis of computation of interest; but, as previously explained, if he can, without overburdening the administration with clerical details, compute the interest upon the basis of the monthly balance, that will be done; if upon the basis of a quarterly balance only, then that will be resorted to; and at last, if it is found to be quite impracticable to do otherwise, the half-yearly basis will be accepted. I think I can give the Senator ample assurance upon this point. The inability

of the Senate to fully determine the extent to which the work or the details of the work would overburden administration seems to render this solution very wise, in that it lodges a certain degree of discretion with the officer or department to be charged with the execution of the law.

Now, Mr. President, one word with reference to the observations of the Senator from Oregon [Mr. FULTON]. This postal savings bill has been pending as the unfinished business for some time. Numerous Senators have expressed a desire to be heard upon the merits of the bill, both for and against it. Occasion has not arisen when Senators prepared to speak could speak, and, in consequence, the bill has been postponed from day to day, or temporarily laid aside. There are three or four Senators desirous of addressing the Senate somewhat at length upon the subject presented by the bill; and I now take occasion, in the light of the observation of the Senator from Oregon, to ask those Senators who have amendments to press to be prepared to press them for consideration, and as to those Senators who desire to address themselves to the bill at length, I indulge the hope that they will be at an early day prepared to take up the subject.

I shall not now, but will at a date not far distant, ask the Senate to fix a day for a vote on this bill and all pending amendments, and I trust that no objection will be interposed after the long time allowed for consideration, amendment, and debate. For the present, Mr. President, I will ask that question be put upon the amendment just offered.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The question is on the amendment offered by the Senator from Montana [Mr. CARTER].

Mr. HEYBURN. The amendment just offered has not been printed, as I understand. There is but one copy available. It contains some provisions that seem to me very important for consideration, and I should like an opportunity of investigating the amendment a little further before voting upon it.

Mr. CARTER. Then I ask that the amendment be printed. If no Senator desires to speak upon the bill or to press any further amendment at this time, I will ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

OMNIBUS CLAIMS BILL.

Mr. FULTON. I ask that the omnibus claims bill may be now laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill referred to by the Senator from Oregon, which was made the special order for to-day.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

The PRESIDING OFFICER. When the bill was heretofore under consideration, its reading was not completed. The reading will be resumed.

The Secretary resumed the reading of the bill at page 40, line 15.

Mr. ALDRICH. Mr. President, I should like to call the attention of the Senate to the nature of some of these claims; and in making this statement I would not for the world reflect upon the committee or upon any Member of the Senate. I realize that Senators representing States where these claims arise must have great difficulty in considering them sufficiently to present them to the Senate, and I realize how difficult it must be to obtain any evidence as to the validity or character of such claims.

I have before me a statement as to these claims. For instance, here is a claim for 4,015 bushels of corn at 75 cents a bushel, which was taken forty-two years ago, and where there can be no testimony of any kind as to the number of bushels that were taken and their value at that time. Another claim is for 40 hogs at 8 cents a pound; another for 13,800 rails at \$3 a cord, amounting to \$414, constituting a rail fence in some States. I am unable to ascertain from this statement in what State this claim for rails is made.

Mr. FULTON. In Arkansas.

Mr. CLARKE of Arkansas. Rails are very high down there.

Mr. ALDRICH. Another claim is for one good farm wagon, \$60, another for one set of blacksmith's tools, \$40. Here is another for "two large navy revolvers furnished at said time and place, the just value of same being \$150."

Mr. CLARKE of Arkansas. Where was that?

Mr. ALDRICH. That claim is from Nevada. They do not use such large ones as that in Arkansas, I take it. [Laughter.]

Another claim is for powder and shot for said revolvers, \$100.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. BACON. I wish to inquire of the Senator from Rhode Island by what organization or officer those articles were taken. Were they taken by the army?

Mr. ALDRICH. That claim arose in some Indian war, I think.

Mr. BACON. It is not claimed that they were used for the benefit of the Government, then?

Mr. ALDRICH. Here is the case of a claim for "a growing crop, 1,000 bushels, at 40 cents" a bushel. I should like to know by what process any evidence could be secured as to the quantity or value of a growing crop forty-two years ago where, from the very nature of things, the claimant furnishes the only statement or only evidence that can possibly be secured as to the validity of the claim.

I think we ought to devise, or try to devise, some method by which this form of claims should be barred from further consideration at some time in the future.

Mr. FULTON. Mr. President—

Mr. JOHNSTON. Will the Senator from Oregon allow me a moment?

Mr. FULTON. I yield to the Senator from Alabama.

Mr. JOHNSTON. Mr. President, we are constantly hearing remarks like those which my friend, the Senator from Rhode Island [Mr. ALDRICH], has just made, that we are making these appropriations here and doing it without sufficient evidence as to the validity of the claims. It is said that there are no witnesses to be produced by the Government, and that generally witnesses for the claimant give hearsay evidence. That is a reflection upon the Court of Claims implying that they would adjudicate and find facts and certify them to the Senate without proof having been made.

The Senator who now occupies the chair [Mr. HOPKINS] at the last session said that there were no survivors to prove the facts. There are some Senators in this Chamber who fought in the war between the States. We survived, and we survived when we had the least opportunity of surviving of any people in the United States.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. JOHNSTON. Certainly.

Mr. HOPKINS. The Senator, in making reference to my objection to some of these claims at the last session, will remember that I predicated my objection upon the ground that the Southern Claims Commission was organized by Congress some years after the close of the civil war, when these facts were all fresh in the minds of the people, and that that commission went into the Southern States and took testimony upon all of these matters. The point I made was that this bill contained claims that were rejected by that commission.

Mr. JOHNSTON. Contained claims that were rejected?

Mr. HOPKINS. Contained claims that were rejected by the commission that was organized and authorized by Congress forty years ago.

Mr. JOHNSTON. The Senator is entirely mistaken.

Mr. HOPKINS. Not at all.

Mr. JOHNSTON. I do not think there is a single claim in this bill that has come to my notice that has ever been reported upon by the Southern Claims Commission.

Mr. HOPKINS. I think the chairman in charge of the bill will recognize the fact that I called his attention not only to one, but to a number of such claims.

Mr. JOHNSTON. It must be a comparatively small number.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. JOHNSTON. Certainly.

Mr. FULTON. There are claims here that were rejected by the commission, but they were rejected because the commission had not jurisdiction to hear them.

Mr. JOHNSTON. Certainly.

Mr. WARREN. Especially church claims.

Mr. FULTON. For instance, church claims, all claims on account of the use and occupation of real estate, and matters of that kind. The commission held that it was without jurisdiction to adjudicate such cases; that it was limited to claims for stores and supplies.

Mr. HOPKINS. Mr. President, I have not my data before me now, as I had them then, but my remembrance is clear that some of these claims were rejected because the claimants failed

to produce evidence showing that they were loyal or that, under the law as it existed at that time, they had meritorious claims. A number of those claims were rejected because the parties making the claims were disloyal to the Government.

Mr. FULTON. I do not recall such a claim as that, although it is possible, of course.

Mr. JOHNSTON. Mr. President, I object to this bill being spoken of as a "southern claims bill." The fact is that this bill carries an appropriation of \$2,299,000, of which, under the Bowman and Tucker acts, there is of the total amount \$346,000 only for claimants residing in the Southern States.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. JOHNSTON. Certainly, sir.

Mr. FULTON. I think the Senator is mistaken in regard to the amount.

Mr. JOHNSTON. The Senator is correct; I see now that I was mistaken.

Mr. FULTON. Under the Tucker and Bowman acts the amount of the claims is \$985,000.

Mr. JOHNSTON. Yes; I have now my memorandum here to show the amounts.

Mr. FULTON. Right in that connection I should say that under the agreement which we have, which will restore all of the claims that were stricken from the House bill and all that were omitted from the first report to the Senate, will aggregate \$125,000 additional; so that there is something over a million dollars of the claims reported by the Court of Claims.

Mr. JOHNSTON. As the bill is reported there are \$985,900—

Mr. FULTON. But it is fair that I should say in that connection that not all of these by any means are Southern claims.

Mr. JOHNSTON. I am going to advert to that. Out of that \$985,900 there are only \$639,000 for claims of citizens of Southern States. In this bill there are appropriations for claims from Massachusetts, where so many sanguinary battles were fought during the war, amounting to \$391,500.

Mr. WARREN. Those are French spoliation claims.

Mr. JOHNSTON. Yes, sir; I am speaking of it because when the charge is made that this bill is for the payment of southern claims, I want to show the Senate that to all the States of the South the appropriation is practically \$639,000, and to States other than the Southern States the rest of the amount will be appropriated. I do not want the South to be charged here as standing and grabbing for things which they are not entitled to, while under the hue and cry of "Southern claims" we find Congress appropriating to the citizens of other sections of the country nearly four times as much as to citizens of the South.

So far as the rightfulness of these claims is concerned, I want to say that, so far as I know, not one claim has been put on this bill that has not been adjudicated and found by the Court of Claims to be fair and just. A great many have been rejected because the claimant was disloyal or the evidence was not sufficient or the claimant was guilty of laches or for some other cause.

The chairman of the committee, I thought, and still think, has been very strict in putting these claims in the bill. The fact is I have felt his opposition pretty keenly. There are, in my opinion, a great many just claims that ought to have been in the bill that are not there. But the main purpose of my rising was to inform the Senate that, instead of this being a bill to provide payment for claims arising in the South, instead of its being a bill whose benefits went to the people of the South, as a matter of fact, out of the \$2,299,000 it carries, but \$700,000, in round numbers, go to people in the Southern States.

Mr. FULTON. Mr. President, I do not wish to consume time by extending the discussion. I will only say, in answer to the Senator from Rhode Island [Mr. ALDRICH] that, while much of his criticism is, in my judgment, just, yet there is this consideration: These matters are sent to the Court of Claims. Whatever the evidence may be, the Court of Claims make findings. The findings are sent back to Congress. Under those circumstances Congress can not well afford to refuse to pay. The only remedy that I can see—

Mr. HEYBURN. Mr. President—

Mr. FULTON. Just a second.

The only remedy I can see is the one I have suggested, that we repeal section 14 of the Tucker Act, and also the section in the Bowman Act which provides for sending what are known as "war claims" to the court, because when these claims are sent to the court and they are decided in favor of the claimant, even though the testimony may have been very light on one side and none on the other, they come back here. The claimants think

they are entitled to be paid under the findings. They have gone to great expense in presenting their cases before the Court of Claims, and Senators representing the States in which the claimants live can not avoid pressing them. They can not do it, and it is unjust to expect that they should. If we continue the policy of sending such claims to the Court of Claims we must continue the policy of paying them when they come back certified to us.

Mr. HEYBURN. I should like to ask the Senator from Oregon a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I yield to the Senator.

Mr. HEYBURN. Are there any claims now in this bill that have not been adjudicated by the Court of Claims?

Mr. FULTON. Yes.

Mr. HEYBURN. What proportion of them?

Mr. FULTON. I will tell the Senator in a second.

Mr. HEYBURN. I have looked in the report, and have been unable to find it.

Mr. FULTON. The cases that have been adjudicated by the Court of Claims aggregate \$985,747. To that is to be added, say, in round numbers, \$125,000, under an agreement which we have, so far as the committee is concerned, to restore certain claims that were struck out.

Mr. HEYBURN. Then, Mr. President, I should like to ask, in addition to that, the amount of claims that have been included in this bill?

Mr. FULTON. The amount, I will say to the Senator, is approximately two and a half million dollars—a little less than two and a half million dollars.

Mr. HEYBURN. Then, Mr. President, as I understand, about a million dollars of the claims provided to be paid in this bill have been passed upon by the Court of Claims and about \$2,000,000 additional have not been before the Court of Claims, but stand here upon the report of our committee. Is that a fact?

Mr. FULTON. Perhaps I should correct my previous statement. I had not in mind what are known as the "French spoliation claims," because they are classified differently; but all the French spoliation claims, aggregating in this bill \$714,631, were passed upon by the Court of Claims—that is, they rendered what we call "court findings." They were not carried into a decree; neither have any of these adjudications been carried into a formal decree. They are merely findings.

Mr. HEYBURN. Has the Court of Claims rejected any portion of the claims covered by this bill?

Mr. FULTON. Oh, no.

Mr. HEYBURN. None?

Mr. FULTON. No; and I will say to the Senator that we have most rigidly examined these claims, and we have rejected, I am very sure, thousands of dollars of claims that, under the policy of the committee heretofore, would have been reported favorably.

Mr. HEYBURN. Then I understand that, including the French spoliation claims, with those that have been passed upon and approved by the Court of Claims, there still are claims involving a million dollars, or something over a million dollars, allowed by this bill that have not been passed upon by the Court of Claims at all?

Mr. FULTON. Well, practically that.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SMOOT. If the Senator will look at the report from the Committee on Claims, page 2, he will find that all of the claims in this bill have been passed upon by the Court of Claims, with the exception of \$533,453.82. Those are claims which have either passed the House or the Senate—that is, the \$533,453.82 are claims that have either passed the House or the Senate. But all the other claims in the bill have been passed upon by the Court of Claims.

Mr. HEYBURN. I had observed that statement at the bottom of page 2, and it was that statement which prompted the inquiry I submitted. The impression I gathered from reading that statement was that there was something over half a million dollars in claims which have not been passed upon by the Court of Claims or considered by it at all—

Mr. SMOOT. That is true.

Mr. HEYBURN. But stand here simply upon the consideration of either one or the other House of Congress.

Mr. SMOOT. But there is no claim in that amount which has not passed one or the other of the Houses.

Mr. HEYBURN. I should like to inquire further, Why have these claims not been submitted to the ordeal of the Court of Claims?

Mr. FULTON. I will state to the Senator that very many of these claims that are not listed here as Court of Claims findings are claims which have been certified by departments, and in the form of bills have passed one House or the other.

Now, as stated by the Senator from Utah, every one of this half million and over of claims has, in the form of a bill, passed one House of Congress or the other; and many of them—I think it is safe to state that the great majority—stand on recommendations of some one department of the Government or the other.

Mr. HEYBURN. Are we to understand that we are to take the findings of an executive officer of the Government as a basis for our action, when we have already provided a court having judicial functions to determine such claims?

Mr. FULTON. I have not said so. I have simply said that in addition to the recommendation and approval of the department in most of these we have the indorsement of one House or the other, which makes it in order upon any appropriation bill. There are a great many matters that do not properly go to the Court of Claims, and few of these matters that are in this bill as Court of Claims findings could go there except through a resolution of Congress.

Mr. HEYBURN. I would ask the Senator further—I have not had time to examine the report in full—whether there is any classification of these cases that would enable us to know the age of the claims?

Mr. FULTON. The Senator can find an explanation of every item in the bill—

Mr. HEYBURN. Yes; by reading it.

Mr. FULTON. In the report which accompanies the bill.

Mr. HEYBURN. But are they anywhere classified, so that we can readily determine how old these claims are?

Mr. FULTON. They are all old enough.

Mr. HEYBURN. I will ask the Senator for a general statement, if he does not object to giving it, as to how old the youngest claim is?

Mr. FULTON. Did the Senator ever know a matter to come before Congress and get through within a year or two?

Mr. HEYBURN. I have known many cases that did not get through in a year or two.

Mr. FULTON. They have all been pending for many years. I do not suppose any of them are infants in any sense of the word.

Mr. HEYBURN. If I may have the indulgence of the Senator entitled to the floor, I only desire to suggest at this time that it is rather a difficult subject to deal with, in view of the fact that the report—I am not intending to criticise the committee, because it doubtless exercised good judgment in the matter—does not classify these claims, so that we may readily determine what claims belong to one class or another; that is to say, what claims come before the committee and ultimately before the Congress upon the recommendation of a bureau.

Mr. FULTON. The Senator is mistaken. In the bill these claims are classified. In the first place, you will find that only what are known as "Court of Claims findings" appear in one part of the bill, and they are grouped under the States in which they arose. Then there is a class of claims known as the "difference between sea and shore pay in the navy;" Court of Claims findings, it is true, but they are classified. Each class is assembled under one heading. Then there are the French spoliation claims, all by themselves, assembled under one head. And then the Senator will also find that in the order in which the claims appear in the bill they are explained in the report, or else a copy of the judgment of the court follows in the report. So the Senator can have no difficulty in finding a full explanation in the report of every item in the bill.

Mr. HEYBURN. Am I to understand, or is the Senate to understand, that every item in this bill was sent to the committee in the nature of a bill passed by the Senate?

Mr. FULTON. No.

Mr. HEYBURN. Or did the committee take up original claims?

Mr. FULTON. Those matters that rest on a Court of Claims finding, as I call it, are certified from the Court of Claims to the Senate—

Mr. HEYBURN. Yes.

Mr. FULTON. And referred by the Senate to the committee. Those are acted on without any further proceedings on the part of the Senate.

Mr. HEYBURN. I should like to ask how the committee gained notice of the class of claims other than those reported by the Court of Claims?

Mr. FULTON. They are matters that have been introduced in the Senate and referred to the committee.

Mr. HEYBURN. Without action by the Senate other than the reference?

Mr. FULTON. Oh, yes; and then reported; introduced in the shape of a bill, and the bill reported favorably by the committee and passed by the Senate, and as being a claim, the Senator having charge of it having requested that it be placed in this measure.

Mr. HEYBURN. Then there are no items in this bill which have not been passed upon by the Senate?

Mr. FULTON. There is no item in this bill which has not been passed upon by the Senate or the court.

Mr. WARREN and Mr. SMOOT. Or the House.

Mr. FULTON. I should say, by one branch of Congress or the Court of Claims.

Mr. HEYBURN. When?

Mr. SCOTT. Will the Senator from Oregon allow me to ask him a question?

Mr. FULTON. I will, if the Senator from Idaho is through.

Mr. HEYBURN. I will wait.

Mr. SCOTT. I want to ask the chairman of the committee if there are not a great many claims reported favorably from the Court of Claims which the committee did not include in this bill?

Mr. FULTON. I think more than a thousand, likely.

Mr. SCOTT. That is my understanding; a good many.

Mr. FULTON. I explained when this bill was first up, at the last session, that the committee adopted certain rules; and, as the Senator from Alabama has said, great complaint has been made about the strictness of the rules adopted by the committee. We have required that it appear by the court findings that the parties were loyal, that the property was taken for the use of the army, that there has not been negligence or inexcusable negligence, at least, in presenting it; and where property has been destroyed by the army, but has not been used by it, we have refused to pay. It has been a source of great complaint that where they would tear down a church edifice, for instance, we have declined to include the claim for the value of the church and have simply allowed for the actual value of the lumber as old lumber, not as valued in the edifice, and that has been the cause of a good deal of adverse criticism. But that is the rule we have adopted and adhered to. There are, however, a few claims of that kind which we have allowed, because, through an oversight, they crept into the first report to the Senate, and Senators advised their constituents that those claims had been allowed and were included in the bill. I discovered they were in there, had a rereference of the bill, and eliminated them; but it was such a source of embarrassment that we finally agreed to permit them to be restored.

Mr. SCOTT. I want to ask the Senator a question. As I understand the ruling of the committee, for instance, a joint stock company was required to prove that it was loyal?

Mr. FULTON. Yes, sir.

Mr. SCOTT. How would that be possible, I ask the Senator? In my State of course there were a great many churches and schools and other property destroyed during the war. I have in mind one case which is not included in this bill. Of course if the Senator is not going to allow any amendments to the bill, I shall not press the amendment I have in mind, but it looks to me to be very unjust to rule it out. That was the case of a school.

Mr. FULTON. The question of loyalty is not presented so far as schools and churches are concerned. The court always finds that they were loyal.

Mr. SCOTT. The school I refer to was at Harpers Ferry. It was taken, and after the Government took charge it sold the brick and material, etc., but I have been unable to get it in the Senator's bill.

Mr. FULTON. I do not recall the particular case to which the Senator refers.

Mr. SCOTT. If there are any amendments to go in at all, I should like certainly to have that case included, because it looks to me like a very just claim.

Mr. FULTON. I suppose there is not a Senator representing one of the States where the army was during the civil war that has not some fault to find of the same character as that presented by the Senator from West Virginia. Now, then, I ask the Secretary—

Mr. RAYNER. I desire to ask the Senator from Oregon a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. FULTON. Certainly.

Mr. RAYNER. I want to ask a question which may dispose of many of these amendments, or at least show the disposition of the committee. Has the committee come to any conclusion with reference to claims coming in since the report of this bill? The bill was reported March 6, 1908. Claims have come in since. Has the committee come to any conclusion as to whether it will allow those cases?

Mr. FULTON. Yes. I think, so far as the members of the committee are concerned, they are opposed to any additional amendments. They will have to be included in another bill. Of course there may be some matters on which the Senate has actually acted and passed to the inclusion of which we would not have any right to object.

Mr. President, I want to inquire whether or not at the last session, when this bill was first under consideration, an amendment was offered under the State of Alabama. That would be on page 38. There should have been inserted four additional items, but I think they were not inserted.

The VICE-PRESIDENT. No such items were inserted in the bill.

Mr. FULTON. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. On page 38, after line 16, it is proposed to insert:

To the Bolivar Lodge, No. 127, Free, Ancient, and Accepted Masons, of Stevenson, Ala., \$1,150.

To the trustees of the Methodist Episcopal Church South, of Bellefonte, Ala., \$380.

To the trustees of the Missionary Baptist Church, of Waterloo, Ala., \$615.

To the trustees of the Presbyterian Church of Decatur, Ala., \$3,000.

The amendment was agreed to.

Mr. FRAZIER. I should like to ask the chairman of the committee if the cases with respect to which he has just offered an amendment were in the bill as it came from the House. It is proposed now to restore to the bill, as I understand, all claims that were in the bill when it came to the Senate from the House.

Mr. FULTON. All items that were in the bill as it came from the House and excluded in the first report, and also all items that were added or proposed by the first report of the Senate committee and omitted in the last report?

Mr. FRAZIER. I was just going to ask that question.

Mr. FULTON. I think that includes them all.

Mr. BURKETT. I should like the Senator to give me some information. On page 73 of the bill there are two claims labeled "Nebraska." I have been trying to find some trace of them in the report. Can the Senator give me any information with relation to them?

Mr. FULTON. The Senator will see that those are items which were inserted by the House. He will find it in the House report. The Senator should send and get a copy of the House report on the bill.

Mr. BURKETT. I have here a report to accompany House bill 15372.

Mr. FULTON. That explains only the items the Senate committee reported.

Mr. BURKETT. I should like to ask the Senator another question before he sits down.

Mr. FULTON. Certainly.

Mr. BURKETT. In this report I find one claim under the title "Nebraska." I have been looking through it. I find that is a claim in a case where Congress has already acted with respect to a general class of cases. On page 455 of this report—

Mr. FULTON. I wish the Senator would pardon me. I hope the Senator will allow us to proceed in an orderly way and take up each State in the order in which it appears in the bill and dispose of the items. Then when we reach Nebraska we will take up Nebraska claims.

Mr. BURKETT. I will say to the Senator that I am not objecting to the bill; but I want to get general information, to see upon what theory it is founded. There may be other such claims from other States; and if there are, it seems to me there are objections to them. Here is the claim. I do not know anything about it. I never heard of it before. It is labeled "Nebraska." It may be a proper claim. But Congress has legislated heretofore as to how claims exactly like this should be disposed of. Yet under this legislation we are to undo what Congress by direct action has done in the past.

Mr. FULTON. I think the Senator is mistaken in saying that Congress has legislated against the payment of these claims. These claims depended upon a construction of the statute, and the department held against them, and the matter went to the Supreme Court. The Supreme Court held that the contention

of the claimants was correct, but in the meantime the claims of a great many people had become barred by statute. They could not proceed, and we referred them all to the Court of Claims.

Mr. BURKETT. Let me call the attention of the Senator to a few lines from the law to which I refer:

The claim was previously presented to the proper accounting officers of the Treasury Department for settlement, and was allowed by such accounting officers under the decision of this court and of the Supreme Court of the United States in the case of *Strong v. The United States* (125 U. S., 656), the sum thus allowed being \$259.66. This action was reported to Congress by the Secretary of the Treasury in House Executive Document No. 199, Fifty-second Congress, first session. In appropriating for such allowance (and others of like character) Congress provided—

Here is where Congress did legislate directly—

that no part of any of these claims should be paid which accrued more than six years prior to the date of filing the petition in the Court of Claims upon which the judgment was rendered, which being affirmed by the Supreme Court has been adopted by the accounting officers as the basis of allowance of such claims.

Thereafter, pursuant to said proviso, the accounting officers readjusted said claim for such difference of pay as the same had been settled under the same decision in *United States v. Strong*, and refused to allow that portion which accrued more than six years prior to July 17, 1886, the date on which the petition in the said case of *Strong v. The United States* was filed in the Court of Claims. Upon such readjustment there was found to be due and then paid to claimant's decedent out of said appropriation the sum of nothing, being the amount which accrued subsequent to July 16, 1880, and to which said proviso did not relate.

If you appropriate for this claim, it seems to me you are legislating now absolutely in contravention of the legislation already had of a general character in which this claim is included.

Mr. FULTON. The Senator is reading from the statement of the case. The findings of fact by the court are—

Claimant is a citizen of the United States and his decedent was an officer in the navy thereof, and a resident of the State of Nebraska, and is the identical person whose claim, under the decision of the Supreme Court of the United States, in *United States v. Strong* (125 U. S., 656), was adjusted by the accounting officers, reported to Congress, and appropriated for, as alleged in the petition.

The amount found due claimant under said decision was \$259.66; the amount paid claimant's decedent was nothing; the amount suspended under the proviso to the act of Congress approved July 28, 1892, and which still remains unpaid, is \$259.66.

That is the balance which has not been paid.

Mr. McCREARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. Certainly.

Mr. McCREARY. As I understand, the bill is now being read for committee amendments. When we finish the reading of the bill for committee amendments, I desire to know if other amendments will be allowed. Is that the understanding—that amendments will be allowed to be presented by Senators on the floor?

Mr. FULTON. I do not understand the Senator.

Mr. McCREARY. I say the bill is now being read for committee amendments, and I desire to know if an opportunity will be allowed, after we finish reading the bill, for other amendments to be offered?

Mr. FULTON. Certainly.

Mr. McCREARY. Now, one other question. This bill was reported in March last. Since that time the Court of Claims has made favorable findings on other claims. Will it be in order as we read this bill to offer amendments covering the findings of the Court of Claims since March last?

Mr. FULTON. I suppose it would be in order to offer any amendment a Senator chose—to include in the bill items found by the Court of Claims.

Mr. McCREARY. Since the bill was reported?

Mr. FULTON. Whether that would be in order or not, it is not for me to say, of course; but I, as chairman of the committee, shall object to any such items being inserted in the bill. I think they should go over to another bill. They can not be investigated as they should be investigated here, and I think they should be remitted to another bill.

Mr. McCREARY. The point, then, made by the chairman is that if a claim has been decided and there has been a favorable finding by the Court of Claims, the committee should have an opportunity to look at it before it is offered on the floor.

Mr. FULTON. Yes, sir; I think so.

Mr. DAVIS. Mr. President, I rise to say a few words more in the nature of a statement of a matter of personal privilege.

In the discussion thus far it has been stated that this bill represents the views of the full committee. I want to say that it does not represent my views. I am a member of that committee. I did not agree to it. This so-called "arrangement" does not meet my views. I find that all the claims from Arkansas were placed in the hands of my colleague before I became a member of this body. He has agreed to this arrangement because he thinks it best. But I want to say here now that I think the

terms of this bill are very unjust and that many just claims are left out by this so-called "arrangement," especially the claim referred to by my colleague of the church house at Clarksville. That is a claim where a little church was used by the federal troops for a commissary store. When it was discovered that the Confederates were coming, they destroyed the church. That little church organization put in a claim under the authorization of the act of Congress. It was sent to the Court of Claims. The Court of Claims found in favor of the church, and this committee of which I am a member arbitrarily cut down the claim from \$4,400 to \$400. I think that is not fair; I think it is not just; and I will never agree to it.

Mr. President, I heard with some surprise the statement of the chairman of the committee, as well as that of the Senator from Rhode Island, that in the determination of these claims the Government has no show. I am surprised at that statement. Who organized this court? Did not you gentlemen of the majority organize the court? Is it not your court? Who appoints the judges to that court? Who sends out the commission to take the testimony? A poor claimant in a country district puts in a claim. You have the court which sends out a commission; the whole machinery of the court is in your hands; and yet you tell me now at this late day that the Government, in the determination of this matter, has no show.

Mr. FULTON. Does the Senator mean to say that the party which has been in the majority of late is in control of the courts ipso facto?

Mr. DAVIS. No, sir; but it is your court. It is a federal court. You send out a commission to take the testimony.

Mr. FULTON. Does the Senator wish it understood that Arkansas is not within the Federal Government?

Mr. DAVIS. Yes, sir, we are; and we are presenting what we conceive to be just claims. The claim to which I have referred has been found just by a court organized by the Federal Government, upon the testimony taken by the Federal Government, and this committee arbitrarily cuts it down. I am here to enter my solemn protest against it and to let this body know that I do not agree with that arrangement.

Mr. FULTON. The Senator is a part of the Federal Government.

Mr. DAVIS. Yes, sir; and I am going to stay that way, too.

Mr. FULTON. Then he is partly responsible.

Of course the criticism offered by the distinguished Senator from Arkansas is one the committee has heard continually, and it is based on the rule which I sought to explain a few minutes ago, that we declined to allow for property which was destroyed by the army, even though it was in the form of churches, and in this instance we rejected the claim. I admit it is a claim which appeals to one pretty strongly. Still that is the rule we adopted, and we have adhered to it. I should say, and I intended to say further, in answer to the Senator from Nebraska, as to these claims involving a question of the difference between sea and shore pay, that there have been a great many appeals to Congress to pay them because there was only a question of the lapse of time. The Supreme Court had held that they were just under the statute. They were referred by the Senate in a body, not individually, not separately, to the Court of Claims, with the intention, of course, of paying what the Court of Claims found actually due. There is no more meritorious claim or item in this bill than those items.

Now, I ask that we may proceed with the reading of the bill.

Mr. BURKETT. Before the Senator sits down, I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. FULTON. Certainly.

Mr. BURKETT. I am not criticising the justness of this claim. I am only stating that it has been barred by specific statute.

Mr. FULTON. Only to this extent: After the decision of the Supreme Court construing the law, Congress provided for the auditing of these claims, but put a limitation on the length of time that the auditor could go back, and prohibited any that had not been presented within six years. That manifestly was unjust. So, finally, the Senate referred them all to the Court of Claims.

Mr. HOPKINS. Mr. President, in what I say I do not wish to be understood as criticising the chairman of the committee or the committee itself on any of these claims. I rise now only to fortify the statement I made in answer to the Senator from Alabama a few minutes ago.

On page 36 of the bill I find the case of William T. Hamner, of Tuscaloosa County, Ala., and an allowance of \$805. That is an Alabama claim. I find by an investigation of the report made by the Southern Claims Commission that that claim

was considered by that commission; that all the testimony which could be presented, both by the claimant and by the Government, was considered, and that the commission rejected the claim.

Mr. FULTON. Will the Senator state again what the item is? I was interrupted just at the moment.

Mr. HOPKINS. The bill does not show what the items were, but the report of the Southern Claims Commission shows that it was for a yoke of oxen, 2 horses, 2 mules—

Mr. FULTON. What is the name of the claimant?

Mr. HOPKINS. The claimant is William T. Hamner, and the item is on page 36 of the bill.

Mr. FULTON. I will get the report and see what it is.

Mr. HOPKINS. What I desire to call to the attention of the chairman is, I find in examining the report of the Southern Claims Commission that that claim was rejected, and they rejected it, among other reasons, for the following:

The claimant has taken the benefit of the bankrupt law since this claim against the Government accrued, and thereby divested himself of all right to prosecute the same. It is therefore rejected.

If that finding of fact is correct as made by the Southern Claims Commission, then this claimant has no more right to the property then inventoried than any gentleman in Iowa or in any other State of the Union.

The fact that the Court of Claims may have allowed the claim can not do away with the fact that it was rejected by the Southern Claims Commission. It brings up the point made by the Senator from Rhode Island, that in the multiplicity of cases which are presented, the volume of business that is done by the court, and the length of time which has elapsed since these claims accrued the Government is not in a position to make the proper defense.

Mr. FULTON. Will the Senator allow me to interrupt him?

Mr. HOPKINS. Certainly.

Mr. FULTON. I will remind the Senator of the fact that even his statement does not show that this claim was rejected on its merits. It was rejected because the party had gone into bankruptcy and because, I assume, his estate under those circumstances was not entitled to it, but that it should go to the register in bankruptcy instead of to him.

Mr. HOPKINS. The point I am making—

Mr. FULTON. I was going to suggest that the merits of the claim were not passed on, and it may be that the property was turned over to him by the court in bankruptcy subsequently. I do not think the Senator can assume that the Court of Claims found in his favor without anything to base the finding on. The fact that he had gone into bankruptcy undoubtedly appeared to the court and that he was entitled to the claim. It was not a legal claim in any sense. It was not such a claim as under an action in bankruptcy would be turned over to a creditor.

Mr. HOPKINS. I desire to state to the Senator that by virtue of going through bankruptcy he divested himself of all title to it. He had no standing either in a court of common law or in equity.

Mr. FULTON. The Senator has in mind the property to which he would have an absolute title. To this he had no title; it is a mere gratuity.

Mr. HOPKINS. I do not agree with the Senator from Oregon upon that proposition. The Southern Claims Commission was organized for the purpose of finding what property had been taken from persons who were entitled to the property and who had either a legal or an equitable title to it. The claim that this party had the property is admitted on the record, but it is shown here that the commission found that the title had been divested and it had passed to other parties; and he had no more right to bring a suit for the articles mentioned in the inventory than any person living in Canada.

Mr. FULTON. The Senator from California [Mr. FLINT] wishes to ask a question, and I yield to him for that purpose.

Mr. FLINT. The question I was going to ask the Senator from Oregon was pretty fully brought out by the statement made by the Senator from Illinois. The Southern Claims Commission having made a finding that this man was not entitled to recovery for the reason that he had gone through bankruptcy, and the matter having been referred to the Court of Claims, does it not illustrate just what was brought out by the Senator from Rhode Island, that the facts are not brought out in the Court of Claims so that the Government is able to present a defense to the various actions after forty-two years? The Southern Claims Commission having actually found that the man had gone through bankruptcy and was not entitled to a judgment against the United States, some forty years afterwards the matter is submitted to the Court of Claims, and this very evidence probably was withheld from the court, and the

court makes a finding showing that this man is entitled to it when, as a matter of fact, he is not.

Mr. FULTON. I do not think the inference of the Senator from California itself is a correct one. In the first place, I am not here to defend the policy of sending these matters to the Court of Claims. I have already expressed my views on that subject many times. But I am here to say that as long as we send the claims to the Court of Claims and the Court of Claims finds in favor of the claimants, we are in honor bound to pay them. That is the only thing that it is necessary to discuss here.

As to this particular item, it is a House item to start with, one inserted in the bill by the House, but the mere fact that the commission found that the party had gone into bankruptcy and therefore could not prosecute the claim at that time does not argue that he may not have been discharged from bankruptcy and restored to his right to prosecute the claim.

Mr. HOPKINS. Oh, Mr. President—

Mr. FULTON. And the presumption is—

Mr. HOPKINS. Will the Senator allow me to ask him a question?

Mr. FULTON. In just a second. The presumption is in favor of the finding of the court being correct and based on that proposition. I will hear the Senator now.

Mr. HOPKINS. Does the Senator from Oregon claim that if a man is discharged in bankruptcy he can still hold title to property that has been transferred in the bankruptcy proceeding?

Mr. FULTON. No; but this property was not transferred. It could not be transferred. How can you transfer a claim that a party has no title to? It is a mere gratuity. It is not a legal right that he can enforce. He is permitted to present his claim, and the Government considers it, if it sees fit, and if it makes him a payment it is a gratuity. After a party is discharged from bankruptcy it oftentimes follows that certain property is turned over to him; his debts have been paid and he has property left. Nobody will question that, I assume.

Mr. President, if we may proceed, I should like to consider one item at a time.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. HOPKINS. Mr. President, I desire just a moment. I was not in the Senate Chamber when page 36 was passed, but I desire to call the attention of Senators to the following claim:

To J. P. McClendon, administrator de bonis non of Meredith King, deceased, late of Jackson County, \$700.

That is one of the claims that was considered by the Southern Claims Commission. I find in looking at the report of that commission that the claim was made in 1877-78; that they rejected the claim, and among the reasons they have given are the following:

The claimant is the widow and administratrix of Meredith King—

Now, that widow is dead and an administrator de bonis non has been appointed in her place—

The claimant is the widow and administratrix of Meredith King, who died in 1864. They were residents of Jackson County, Ala. The claim has been investigated by an agent. The property was taken during the lifetime of Mr. King, and he was not, as appears from our agent's report, an adherent of the Union cause. He was a Breckinridge Democrat and an original secessionist, pronounced the conscript law "a glorious law," and was in full sympathy with the Confederate cause. Mrs. King agreed with him in sentiment. The claim is disallowed.

That was in 1878, and it was at a time when, if the facts presented there were not correct, it was within the power of Mr. King and Mrs. King to have corrected them in the proper forum. As was stated by the Senator from California [Mr. FLINT], forty-two or forty-three years have passed, and we find this claim now embodied in the bill that is considered here. As has been well said by the Senator from Rhode Island [Mr. ALDRICH], if we do not call a halt upon claims of this character, we might as well turn the Treasury over to claimants of that kind without any limit whatever.

Mr. CLARKE of Arkansas. Mr. President, before the Arkansas items are passed I desire to call the attention of the chairman to the fact that he has failed to suggest a committee amendment in favor of Sarah Winter, \$1,380.

Mr. FULTON. I have it. I was occupied just at the moment when we reached that point. I now offer the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be read by the Secretary.

The SECRETARY. On page 40, after line 16, insert:

To Sarah Winter, of Ouachita County, Ark., \$1,380.

Mr. KEAN. Is there any explanation of that amendment?

The VICE-PRESIDENT. No explanation accompanies the amendment.

Mr. KEAN. I think it ought to be explained. For what purpose is the payment to be made?

Mr. FULTON. I am perfectly willing to take time to explain it, but I will call the attention of the Senator to the fact that full explanation is given in the report accompanying the bill.

Mr. KEAN. But I thought this was an amendment to the bill.

Mr. FULTON. It is an amendment, and I will explain it again.

Mr. KEAN. On what page of the report is the explanation given?

Mr. FULTON. The Senator will find it on page 33 of the first report. There are two reports. This bill has been twice reported. It is one of the items that we reported should be eliminated on the second report of the bill. I will state that we reconsidered the items and determined to offer them as amendments. This is one of the amendments. It is based on the findings of fact by the Court of Claims, as follows:

1. It appears from the evidence that Sarah Winter, claimant herein, was loyal to the Government of the United States throughout the late civil war.

2. During said period the military forces of the United States by proper authority took from the claimant, in Ouachita County, State of Arkansas, property of the kind and character described in the petition which at the time and place of taking was reasonably worth the sum of one thousand three hundred and eighty dollars (\$1,380), no part of which appears to have been paid.

Those are the facts in regard to it.

Mr. KEAN. Of what description was the property? It was taken by order of the Government?

Mr. FULTON. Certainly.

During said period—

The military forces of the United States, by proper authority, took from the claimant, in Ouachita County, State of Arkansas, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of \$1,380.

As to the character of property described in the petition, it consisted of 1,000 pounds of dried beef, \$400; 2,000 pounds of bacon, \$1,500; 1,000 pounds of ham, \$850; 30 pounds of beef tongue, \$37.50; 10 barrels of flour, \$150, and so forth.

Mr. KEAN. Is the Senator sure there were 10 barrels of flour?

Mr. FULTON. That is my recollection, as near as I remember.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, under "California," page 41, after line 3, to insert:

To John M. Forsyth, formerly of Carson, Nev., \$2,728.

To Winnie J. Thompson, as executrix of last will of James M. Thompson, deceased, late of the State of Nevada, \$3,730.

To Frank J. McWorthy, now of California, formerly of Nevada, \$450.

To Thomas Rodgers, formerly of Virginia City, Nev., \$440.

The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. On page 41, after line 12, insert the following:

To John Allman, of Oakland, Cal., formerly of Virginia City, Nev., \$2,358.

Mr. KEAN. What is his claim?

Mr. FULTON. It is for supplies furnished the army. It was in one of the Indian wars.

Mr. KEAN. It is an Indian war claim?

Mr. FULTON. Yes. I remember it only in a general way. Of course I can turn to the report and give a full explanation of it.

Mr. KEAN. I am unable to find these claims in the copy of the report I have.

Mr. FULTON. There were two reports, as I explained a moment ago. This is one of the items that was stricken out and appeared only in the first report. I do not know whether there are any more copies of the report to be obtained or not. I have one here and I will send it to the Senator if he wants to look at it.

Mr. KEAN. I do not object to the explanation made by the Senator from Oregon.

The amendment was agreed to.

Mr. BURKETT. Why were the items stricken out may I ask the Senator?

Mr. FULTON. I am almost tempted to ask for a reading of the CONGRESSIONAL RECORD, I have made the statement so often, but of course the Senator is entitled to know why the items

were stricken out. It was done because they did not come within the rule the committee thought should obtain in regard to supplies furnished the army. I do not remember this particular item, but there were some elements in it which did not come within the rules we prescribed that the Committee on Claims should follow. For instance, to give the Senator an illustration, many of the southern church claims were for property that had been burned. We refused to allow them, but they were incorporated in the House bill, and we reported by mistake some of them in the first amendments we reported to the House bill. Senators representing the States where the claims had arisen had advised their constituents that the claims were allowed. Then when we struck them out on the second report they were placed in such an embarrassing position that the committee agreed, so far as it was concerned, that it would consent that the items might be restored to the bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, under the heading "District of Columbia," on page 42, after line 10, to insert:

The following-named 30 persons the following sums, respectively, as found by the Court of Claims in the case of Richard Emmons and 29 others against The United States:

To Richard Emmons, \$425.84.
To George C. Acton, \$152.57.
To George W. Ballinger, \$182.44.
To Edward R. Barbour, \$193.56.
To James Breast, \$419.41.
To George R. Cook, \$497.88.
To Joshua Cooksey, \$331.30.
To John D. Davis, \$330.13.
To Philip A. Delano, \$337.81.
To Oliver A. Emmons, \$106.60.
To William B. Flood, \$161.80.
To Samuel S. Fowler, \$148.50.
To Theodore Gates, \$227.31.
To Thomas J. Harrison, \$286.47.
To Richard Holland, \$222.68.
To John T. Hardester, \$194.16.
To William Kemp, \$380.01.
To William H. Krepps, \$224.97.
To Abraham Lee, \$319.12.
To George E. Luckett, \$135.06.
To William Morris, \$359.98.
To William E. Miller, \$367.28.
To Charles M. Nicholson, \$192.49.
To John W. Reed, \$242.25.
To Richard Smith, \$284.04.
To Isaac Scott, \$101.83.
To John A. Smith, \$194.16.
To Isaac Smallwood, \$89.54.
To Isaac Tillman, \$91.27.
To Augustus M. Warfield, \$382.99.
To Elizabeth Thomas, of Brightwood, D. C., \$1,835.
To Heber L. Thornton and Grayson L. Thornton, trustees under the last will of Gottlieb C. Grammer, deceased, late of the District of Columbia, \$2,340.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the head of "Florida," on page 45, after line 14, to insert:

To rector, wardens, and vestry of St. John's Church, Jacksonville, Fla., \$12,000.

The amendment was agreed to.

Mr. FULTON. I move, on page 45, after line 16, to insert the following item:

To Richard H. Turner, of Duvall County, in his own right and as administrator of the estate of Eliza Turner and Eliza Ann Turner, deceased, \$2,130.

Mr. KEAN. I should like to have an explanation of that amendment. I can not find it in any book that I have.

Mr. FLINT. There are three volumes to find it in.

Mr. KEAN. If the Senator will just tell me what the claim is for, I shall be content.

Mr. TALIAFERRO. I have here the finding of the Court of Claims.

Mr. FULTON. The Senator from Florida [Mr. TALIAFERRO] has the finding. I can not, of course, remember all of these cases.

Mr. KEAN. I am aware of that, but I thought the Senator had the report there.

Mr. FULTON. I have it now. Here is the finding of the Court of Claims:

Eliza Turner, deceased, Richard H. Turner, and Eliza Ann Turner were loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the army, in Duvall County, State of Florida, took from the persons above found loyal property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of \$2,130, no part of which appears to have been paid.

Mr. KEAN. It does not say of what the property consisted.

Mr. FULTON. It tells what the property was. It consisted of 1 dwelling house (burned); 6 outhouses (burned); United

States gold coin; wearing apparel, trunks, and so forth; bedding and bed linen; silverware; 1 dray and harness; 1 buggy and harness; lot farming implements; 1 sugar mill and kettle; 2½ miles of fence rails (say 13,000 rails), at \$20 per thousand; 1 bay saddle horse; 75 head stock, at \$10 each; meat; 180 head of hogs, at \$3 each; 300 head of chickens, at 50 cents each.

Mr. KEAN. That was a pretty high price for chickens at that time.

Mr. McLAURIN. They were worth it.

Mr. FULTON. I do not know what chickens were worth at that time, but I will say that no allowance is made for the gold coin, as the evidence fails to satisfactorily establish it. The amount that the claimant put in was for \$5,811, while the amount which the court finds is only \$2,130.

Mr. TALIAFERRO. I wish to call the attention of the Senator to the fact—

Mr. KEAN. I suppose fence rails and a few of those other valuable things were struck out.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. FULTON].

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following item, from line 21 to line 23, on page 45:

To Fannie Crow, administratrix of the estate of Levi Crow, deceased, late of Paulding County, \$710.

Mr. HOPKINS. I wish to call the attention of the chairman of the committee and those who are charged with the bill to the fact that this is a claim which was rejected by the Southern Claims Commission.

Mr. FULTON. The case about which the Senator from Illinois inquires, I understand, is that of Fannie Crow, and I have the finding of the Court of Claims in that case. This is an item inserted in the bill in the other House. The committee there did not give as fully the Court of Claims findings as we have it in the Senate committee report to the Senate. The report sets out the findings in full, from which it appears that—

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Levi Crow, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Then follows a statement of the case and the findings:

There was taken from the claimant's decedent, in Paulding County, State of Georgia, by the military forces of the United States during the late civil war, for the use of the army, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of \$710.

The petition alleges—

That she is a citizen of the United States, residing in Paulding County, State of Georgia, where her decedent resided during the late civil war.

That there was taken from her decedent, in Paulding County, State of Georgia, by the military forces of the United States, by proper authority, and appropriated to the use of the army during the late war for the suppression of the rebellion, property of the kind and value as follows:

Then it gives a description of the property. Does the Senator care to have that read?

Mr. HOPKINS. Oh, no; not at all. I would ask the Senator, however, in what year was that claim presented and allowed by the Court of Claims?

Mr. FULTON. That was passed on by the Court of Claims on October 31, 1905. That was when the finding was as to the loyalty. It was filed in Congress, in the House of Representatives, on April 22, 1897.

Mr. HOPKINS. I will say to the Senator in charge of the bill that the Southern Claims Commission say that—

A careful reading of all the evidence in the case fails to satisfy us that Mr. Crow remained a loyal adherent to the Union cause throughout the war.

They also say:

The facts proved do not sustain the claimant's earnest professions of loyalty throughout the war. The claim is disallowed.

This report was made in 1877-78. The Senator can see that the Southern Claims Commission, on this question of loyalty or disloyalty during the war, had very much the advantage over the Court of Claims in determining that question with correctness.

It seems to me, on a proposition of this kind, where the Court of Claims forty years afterwards finds that a party is loyal, that the evidence of the Southern Claims Commission should have greater credence with Senators in determining whether a claim of this kind should be allowed.

I simply put this up to the Senator and, of course, will say nothing further upon the question. If the Senator from Oregon, in view of all that is presented here, still thinks that the claim should be allowed, I shall not interpose any objection.

Mr. FULTON. Mr. President, of course, as I have said, this claim is one that was passed on by the House committee, and they included it in the bill. I think, so far as I at present understand the reading and finding of the court, we should allow this claim. Still I agree with the Senator from Illinois that these matters ought not any longer to be sent to the Court of Claims. I have been contending for that ever since I have been chairman of the Committee on Claims, but the law provides for them being sent there. The Senate constantly sends them there; parties go before the court and have their hearing and trial. The case comes back here with the findings in favor of the claimant. What are we going to do about it? I admit the testimony is oftentimes, as I am informed, unsatisfactory—that is, in this way: The claimant comes forward with proof of loyalty; that is, some proof. It may be the testimony of some person whose character is good, who is worthy of credit so far as anyone knows, who swears that he knew the party and that he was loyal. The Government can not get anybody to dispute that testimony because the affair happened so long ago. But what is the court going to do? The court is bound to find in accordance with the testimony. The claim comes here for us to pay, and we have to pay it, unless we simply repudiate the findings of the court which we have invited and asked for.

I have no disposition to move to strike the item out. Of course the Senator, if he chooses, can make such a motion.

Mr. RAYNER. May I ask the chairman of the committee whether any amendments will be considered to-day outside of the amendments the committee has agreed to or will agree to under the rule which the Senator has stated?

Mr. FULTON. I can only say to the Senator that I have no hope of finishing the reading of the bill this afternoon. I understand the Senator wants to go away. If he does go away and we should happen to complete the reading of the bill, I will say to him that I shall ask to have it go over, so that he may have an opportunity to offer any amendment he may desire.

The reading of the bill was resumed and continued to the end of the following item, on page 46, lines 1 and 2:

To Plymouth Frazier, jr., of Liberty County, \$122.

Mr. HOPKINS. To bring that matter properly before the Senate, I move to strike out that clause.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 46 it is proposed to strike out lines 1 and 2, as follows:

To Plymouth Frazier, jr., of Liberty County, \$122.

Mr. SMOOT. I should like to ask the Senator from Illinois on what ground that is put? Is it the same as the Crow case?

Mr. HOPKINS. I will state that that is another claim that was considered by the Southern Claims Commission, reported to Congress in the winter of 1877-78, and the claim was rejected by that commission. I would ask the Senator from Oregon what the record is in that case?

Mr. FULTON. The record is that the court on a preliminary inquiry found there was loyalty. The finding is:

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Plymouth Frazier, jr., the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Then the finding concludes:

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, by proper authority, for the use of the army, took from the claimant in Liberty County, Ga., property as above described, which was then and there reasonably worth the sum of one hundred and twenty-two dollars (\$122); no part of which appears to have been paid.

The description of the property is as follows:

1 bay mare.....	\$150.00
7 head cattle.....	140.00
12 head hogs, \$4 each.....	48.00
60 bushels rough rice.....	90.00
15 bushels of corn.....	15.00
6 beehives of honey.....	5.00
10 head of ducks.....	7.50
25 head chickens.....	12.50
4 dozen eggs.....	1.00
Bedding and bedclothes.....	37.00
Lot of cooking utensils.....	10.00
Total.....	520.00

I only say, Mr. President, that if we strike out that item, there is no reason why we should not strike out every one of these items.

Mr. HOPKINS. Does the Senator have in his report the evidence upon which the claim was allowed by the Court of Claims?

Mr. FULTON. Oh, no; we only have the findings.

Mr. HOPKINS. I have here, Mr. President, a statement of the Southern Claims Commission, rendered in 1877 and 1878, that I think will be interesting to Senators on both sides of the Chamber:

This claim is a sample of several others: The claimant was a slave and continued such till the capture of Savannah.

I ask the Senator from Georgia if slaves could own property?

Mr. CLAY. I do not know the claimant at all. I think that my colleague [Mr. BACON] does. The fact that he was black or a slave does not make the slightest difference. If the property was taken from him, and it is a just claim, he ought to be paid.

Mr. HOPKINS. I want to ask the Senator whether, under the laws of Georgia, a slave could own property prior to 1864?

Mr. CLAY. Yes, sir.

Mr. HOPKINS. Under the laws of Georgia?

Mr. CLAY. He did own property.

Mr. HOPKINS. Was it allowable under the laws of Georgia?

Mr. CLAY. No.

Mr. HOPKINS. It was not.

Mr. CLAY. The master could recognize property on the part of the slave, if he desired to do so.

Mr. HOPKINS. As a matter of fact, slaves were regarded as property themselves, were they not, as much as horses and cattle?

Mr. CLAY. I do not want to discuss that question here now; it is highly improper that I should; but I want to say to the Senator from Illinois that the Southern Claims Commission, to which he refers, was appointed in 1870. It only lasted about a year or two, I think, before the act creating it was repealed. At that time there was a very bitter feeling existing between the different sections of this country. I am glad to know that that feeling no longer exists; that we are, with a very few exceptions, a harmonious, a happy, and a contented people, and that we are willing to give justice to every section of this country.

It is the duty of the Court of Claims, which has been organized for the purpose of hearing these claims, to hear both sides of these cases; to go into the evidence in a judicial way; to ascertain what is the truth; and I presume they have done so. I have not looked into this claim at all. I do not know anything about it. It came from the House of Representatives. I understand it received the unanimous support of the House committee and that there was no objection to it there. It came here; it went to the Senate committee, and was unanimously passed there. Prior to all this, the Court of Claims, after having heard this case, passed upon it and submitted findings. I am quite sure that I would rather trust the judgment of that court than the commission that was appointed in 1870.

Mr. HOPKINS. Mr. President, we are all agreed that the happy condition in Georgia to-day is a matter of congratulation to all sections of the country, and what I have said or propose to say on this subject is not to disturb the present condition. It is not to discredit any legitimate claim that comes from that section of the country. Far be it from me, Mr. President, to raise any objection against a legitimate claim from the State of Georgia or any other State in the Union; but when I find that under the laws of that State a slave was not permitted to hold property, and that the report of the commission shows that the man who makes the claim was a slave up to the time of the capture of Savannah by the federal troops, then I think it is time for the Senate to pause in the consideration and the allowance of claims of this character.

The Senator from Georgia [Mr. CLAY] is mistaken when he says that this Southern Claims Commission existed only for a year or two. If he will examine the laws, he will find that it was continued from time to time, and existed, as I now remember, until 1879.

Mr. McLAURIN. Oh, no.

Mr. HOPKINS. If the Senator from Mississippi [Mr. McLAURIN] will examine the law, he will see that I am correct.

Mr. CLAY. Does the Senator contend that the law creating the commission was not repealed until 1879? My recollection is that it was only on the statute books a little over two years.

Mr. HOPKINS. If the Senator will look at the Southern Claims Commission's reports that are filed in the Senate library, he will find that they were making reports and that this identical report was made to Congress in 1877 and 1878.

Mr. FULTON. I think the commission went out of existence in 1879.

Mr. HOPKINS. That is the statement that I made in answer to the Senator from Georgia.

Mr. FULTON. But if the Senator will allow me—

Mr. HOPKINS. When it was first created, as I now remember, it was only to continue for two years, but it was continued

until 1879, when these various claims were reported to the Congress.

Mr. FULTON. This is what the Senator had in mind—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. I do.

Mr. FULTON. This is what the Senator had in mind: The law which provided that no more claims should be presented to the Southern Claims Commission provided that they should not be presented after, I think, March 3, 1878; but the law itself was not passed until March 3, 1878. So it cut them off without any notice whatever.

Mr. HOPKINS. Mr. President, on the question of this claim, the objection that I have raised is not limited alone to the law of Georgia at that time—

Mr. FRAZIER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Tennessee?

Mr. HOPKINS. Certainly.

Mr. FRAZIER. In reference to the matter that has been spoken of by the Senator from Illinois, I will say that the Southern Claims Commission was created by act approved March 13, 1871. On March 3, 1873, that act was repealed, the repealing act using this language:

Sec. 2. That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the 3d day of March, 1873.

That act was passed on the 3d day of March, 1873, so that the Southern Claims Commission, as a matter of fact, was only in existence about two years.

Mr. FULTON. The commission continued in force, but the time for presenting claims was limited, just as the Senator says.

Mr. FRAZIER. I understand that the commission disposed of the claims that were pending before it, but the right to file claims only existed between 1871 and 1873, a period of about two years.

Mr. FULTON. That is right.

Mr. HOPKINS. I will say to the Senator from Tennessee that this is one of the claims that was presented before the Southern Claims Commission, and was included in its report to Congress in the winter of 1877 and 1878. The first objection that they raised was, as I have said, that the claimant was a slave up to the time of the capture of Savannah by the federal troops. They go on then and say in the report:

Then he claims to have owned the above property and to have had it taken from him for army use. How he, a slave, could have owned such and so much property is only explained by the phrase "worked for it." See question 70 and the answer. He and his two colored witnesses give no further explanation as to his ownership. He was the slave of one Thomas S. Mallard. Lyman B. Mallard, the son of Thomas S. Mallard, testifies: "I know he was allowed to own and did own property previous to and during the war by my deceased father, who controlled him at that time." The value of this testimony may be judged of when we notice that this witness was 21 years of age in February, 1878, and was 5 years old at the beginning of the war. His knowledge as to how much this claimant "did own previous to the war" must have been precocious. One B. J. Cassels, a former overseer of the plantation of Mallard, is the attorney who seems to get up these claims. Claim rejected.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. HOPKINS. I do.

Mr. BACON. If the Senator will pardon me, upon the particular question which he suggests as to the probability that a negro at that time owned property, I desire to say a few words.

It so happened that I was reared in the county of Liberty, in Georgia, and spent my childhood there, and I am quite familiar with conditions which existed there at the time of the outbreak of the war and for some years previous. My colleague [Mr. CLAY] was not of an age which would enable him to give testimony in regard to conditions then existing which I am now prepared to give.

Mr. CLAY. Am I older or younger than my colleague?

Mr. BACON. I said the Senator was not of an age to give the testimony. He was a little child, and I was quite a grown lad at the time.

Mr. President, there never was a greater misapprehension than that which exists in the popular mind, and has unfortunately existed for more than a generation, not only in this country, but in the world at large, as to the condition of the negroes, as a general thing, in a state of slavery in the Southern States, and the true relation which then existed between the master and the slave. It was not a condition in which there was harshness and cruelty to the slave, and the want of consideration of everything which might be considered humane and kind. That condition was only found in exceptional cases,

and those have been portrayed to the world by most slanderous publications as the conditions which existed in general.

The truth was, Mr. President, that it was a patriarchal institution. It was an institution in which the great body of negroes were neither bought nor sold, but were inherited by children from their parents in the same way in which the institution was inherited by the people of the South, and in which the relationship was most kindly and intimate, and in a great many instances affectionate.

There is not now and there has never been at any time, in any land, the relation of master and servant in which there was so much of consideration, so much of kindness, so much of affection, and so much of happiness as that which in general existed in the relationship of master and slave in the Southern States. The slaves were not regarded as chattels and were not treated as such.

The buying and selling of negroes, Mr. President, in the South was not a respectable business; and it is a remarkable fact, which I am glad of the opportunity to state as an incontrovertible fact in this place, that it was not only not a respectable business, but that it was so disreputable a business that to say of a man that he was a professional slave trader would exclude not only himself, but his family, from the more respectable society. To say of a girl that her father, or even her grandfather, was a slave trader would debar her from the best society if found to be true. And it is a stain upon one's lineage to this day. There could be no more significant illustration of the fact of the patriarchal character of the institution of slavery in the South than is found in the recognized detestation of slaveholders themselves of the professional slave dealer.

I am told by the Senator from Colorado [Mr. TELLER] that there was in Mississippi for many years a statute punishing any man who brought slaves into that State to sell. Among respectable people the buying and selling of slaves, as a general thing, was largely limited to sales for the purpose of division among those who were entitled to that division in estates, and in that case they were generally bought in by those interested; and also in cases where it was necessary to make such sales in order to prevent the separation of husband and wife or parent and child and to keep families together.

Now, of course, I am not here for the purpose of entering into any general consideration or discussion of the question of slavery. It was a fearful curse, for which the whole country—North and South—was responsible, and it was a greater curse to the white man than it was to the negro. But without discussing it I want to state that much as a precursor to the particular facts which I desire to state in regard to the matter about which the Senator from Illinois [Mr. HOPKINS] not only expressed doubt, but about which he has such an utter lack of information.

In the particular county where this man lives—and I will pause to say that if he is the man I think he is he is still alive and a respectable man, and a man well thought of in his community. The man referred to in this item of the pending bill is either the particular man I have in mind, or, I have no doubt, some one who is nearly related to him.

When I was a child, in that particular county the system of labor was this: A negro was given what was called a "task." There was a certain amount of plowing he had to do in a day, or a certain amount of other manual labor, and when he had completed it the remainder of the day was his own, to be employed as he saw fit.

The Senator speaks of the fact, or rather the report refers to the fact, that the witness in that case was a child 5 years of age when the war broke out. That would have made him between 9 and 10 when it was concluded. I will say to the Senator that I recollect with the utmost distinctness the condition of affairs which I am now narrating, and much of which occurred at a time when I was between 5 and 10 years of age; because, Mr. President, the relationship was such that the children of the owners of those slaves mingled freely and familiarly with the slaves, went down among what were called their "quarters," where they were gladly received and where there was a mutual interchange of kindness and mutual existence of friendship and affection. I recall with the utmost distinctness that when between 5 and 10 years of age I was acquainted with negroes who lived upon the place, knew about their prosperity, and knew of the fact that they had property, and knew the property itself that they had around them.

In consequence of the condition of affairs which I have stated, it was a very common thing for the industrious negro, the thrifty negro, to get through what was known as his "task" by 2 or 3 o'clock in the day and devote the balance of the day to working a crop for himself. They had comfortable houses with yards

and gardens attached, and frequently additional land without rent, where they raised corn and potatoes for themselves, and sometimes a little cotton. It was frequently the case that the negroes had a little cotton to sell. It was almost universally the case that negroes who were thrifty owned property of various kinds—cows, sometimes a horse, chickens without number, and pigs; and my friend on my right [Mr. TALLAFERRO], who was also of an age to remember, although he does not look like it, wants me to insert "dogs." Yes; they had their full share of them.

And, Mr. President, I want to say in the most emphatic language and to bear testimony to the fact that it was not an unusual thing in that time for the thrifty and industrious slave to have property in a greater degree than that which is now spoken of as having belonged to this man Frazier. It is true that under the law he had no legal title to it—none that he could assert in court, except through his master—but it is equally true that his title was universally respected, and I have no idea that a case could be shown where he was ever deprived of his property by his master; and if ever any other person had sought to deprive him of it, his master would have given the wrongdoer cause to remember it for many a day. Under such circumstances, when it was a common thing for a slave to have a greater amount of property than that, will the Senator from Illinois stand in his place and say because that negro could not assert his title in court that if the United States Government took that property and had the benefit of it its value shall not now be paid to him? Does the Senator, after the statement I have made, insist upon any such objection?

Mr. HOPKINS. When the Senator from Georgia is through, I will make a remark or two.

Mr. BACON. I think I have said enough on that line, although I could say a good deal more.

Mr. MONEY. Will the Senator yield to me?

Mr. BACON. Certainly.

Mr. MONEY. The Senator from Illinois will permit me for just a moment.

Mr. President, I want to say just one word on the question of slaves holding property. I know nothing about this case. I am not at all interested in it. I understand it is for a trifling amount—\$120. It was quite the custom in the South, as stated by the Senator, to allow negroes who were slaves to have time of their own.

I want to cite one circumstance with which I am familiar. My father had a good many slaves who did work on the plantation. He had several blacksmiths, one or two carpenters, a man who made wagons, a cabinetmaker, whom I can recall, and a plasterer. I recollect particularly that these men frequently did work for which they themselves received pay. As far as the plasterer was concerned, there being little of that sort of work, he went all over the country disposing of his own time. He paid my father so much a month, and he went wherever he found work to do and made his own contracts and got his own pay. He always had money; how much, I do not know. I can not recollect after this lapse of time whether he owned any property that could have been appropriated or destroyed by the army, but I know he had that liberty. He hired his own time. That was not an uncommon circumstance in that country. I know that to be a fact. So it is not at all improbable that a colored man should own \$120 worth of property.

I do not care anything about this claim. I do not care anything about this bill—not a bit—because I have very little sympathy for people who, living in the South, did not aid and abet the rebellion, and I have very little sympathy for those who did and are now willing to tell a lie to get a claim through. So I have very little concern about this. But justice ought to be done all around.

Mr. BACON. Mr. President, if the Senator from Illinois will pardon me for a moment, I want to say, so far as concerns the statement made by the Senator from Mississippi [Mr. MONEY] about negroes having their own time, making money for themselves, and being prosperous, that I knew of a great many instances of that kind. But I want to add one thing. I did not know that I would ever have the opportunity to say it in the Senate of the United States, but the issue raised by the Senator from Illinois gives me the opportunity, and I am glad to avail myself of it.

In illustration of the kindly relationship which existed between the slave owner and the slave, I was reared, Mr. President, as an orphan by an elderly lady, my grandmother, who then had no young children, and most of whom had all left the family before I was old enough to know them. I lived in the country on a farm where there were negroes; a plantation we called it in those days. There was no other white

child on the place. There was a negro child on the place who grew up with me. He was about my age. He is living to-day. In all my childhood that boy was my companion. As we grew older and I went to school, during every holiday he and I hunted and fished together, and during the long time which has elapsed since then the affection then formed has never decreased.

I want to give his name. It is Collin James, and while reared in Liberty County, he lives now in Mitchell County, in Georgia. He has prospered and now owns considerable property. When I have visited relatives residing near where he now resides, as I have frequently done, he has driven over in his buggy to see me and to ask me to go hunting with him as in the old days, and I have gone with him and we have lived over again together our boyhood days in the woods. And I want to say here that the affection which existed between that colored boy and myself when we were children—and he is as black as is the Senator's coat—has continued during our lives, and is such now that I can say truthfully to-day that if I had but one crust of bread and he was hungry and had none I would divide it with him, and I am satisfied that if the conditions were reversed he would as surely divide his sole crust with me.

This may seem out of place here, Mr. President, but the suggestion of the Senator from Illinois is based on such a radical misapprehension of the true relations which in that day existed between the master and the slave that I have, on the impulse of the moment, said this much.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 15, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1909.

PROMOTIONS IN THE NAVY.

The following-named paymasters in the navy, who were confirmed on May 20, 1908, to be paymasters in the navy, with the rank of lieutenant-commander, from the 15th day of May, 1908, to be paymasters in the navy, with the rank of lieutenant-commander, from the 17th day of April, 1908, to correct the dates from which they take rank, made necessary by the change in dates of promotion of certain line officers:

George G. Seibels,
Edmund W. Bonaffon,
Joseph Fyffe, and
John H. Merriam.

The following-named naval constructors in the navy, who were confirmed on May 20, 1908, to be naval constructors in the navy, with the rank of lieutenant-commander, from the 15th day of May, 1908, to be naval constructors in the navy, with the rank of lieutenant-commander, from the 17th day of April, 1908, to correct the dates from which they take rank, made necessary by the change in dates of promotion of certain line officers:

Stuart F. Smith and
William G. Groesbeck.

Col. Green C. Goodloe, paymaster, U. S. Marine Corps, an officer on the active list of the Marine Corps, to be a brigadier-general, paymaster, on the retired list of the Marine Corps, from the 31st day of January, 1909, the date upon which he will be retired, in accordance with the provisions of an act of Congress approved June 29, 1906.

The following-named midshipmen to be ensigns in the navy from the 12th day of February, 1909, to fill vacancies existing in that grade on that date:

William O. Wallace,
Frank R. King,
Preston H. McCrary,
David S. H. Howard,
William S. Farber,
Archibald D. Turnbull,
Churchill Humphrey,
Emil A. Lichtenstein,
Albert M. Cohen,
George M. Ravenscroft,
Arie A. Corwin,
Sloan Danenhower,

Harry J. Abbett,
George McC. Courts,
Charles W. Crosse,
Francis D. Pryor,
Roy P. Emrich,
Jacob H. Klein, jr.,
John S. Barleon,
Herbert L. Spencer,
William T. Smith,
Jacob L. Hydrick,
Stephen B. McKinney,
Louis F. Thibault,
Henry R. Keller,
Clarence McC. McGill,
Walter F. Lafrenz,
John B. Earle,
Frederick P. Lilley,
Harold V. McKittrick,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington, and
Frank W. Lagerquist.

RECEIVER OF PUBLIC MONEYS.

Elisha B. Wood, of Long Prairie, Minn., to be receiver of public moneys at Cass Lake, Minn., vice Mathias N. Koll, term expired.

POSTMASTER.

COLORADO.

Nimrod S. Walpole to be postmaster at Pueblo, Colo., in place of Nimrod S. Walpole. Incumbent's commission expired January 10, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1909.

SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, to be secretary of the legation of the United States at Habana, Cuba.

SECOND SECRETARY OF LEGATION.

Leland Harrison, of Illinois, to be second secretary of the legation of the United States at Peking, China.

THIRD SECRETARY OF EMBASSY.

William K. Wallace, of Colorado, to be third secretary of the embassy of the United States at Tokyo, Japan.

RECEIVERS OF PUBLIC MONEYS.

Jesse W. Freeman, of Berryville, Ark., to be receiver of public moneys at Harrison, Ark.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex.

REGISTER OF LAND OFFICE.

Lon E. Foote, of Colorado, to be register of the land office at Hugo, Colo.

PROMOTIONS IN THE NAVY.

Commander Washington I. Chambers to be a captain in the navy.

Lieut. Thomas A. Kearney to be a lieutenant-commander in the navy.

William P. Sedgwick to be an ensign in the navy.

POSTMASTERS.

ARKANSAS.

Edward Bowers to be postmaster at De Witt, Ark.

COLORADO.

Austin M. Reed to be postmaster at Silverton, Colo.

ILLINOIS.

Omer N. Custer to be postmaster at Galesburg, Ill.

Oscar H. Harpham to be postmaster at Havana, Ill.

William M. McDonald to be postmaster at Chandlerville, Ill.

Leander W. Niles to be postmaster at Bethany, Ill.

George M. Thompson to be postmaster at Bement, Ill.

Joel P. Watson to be postmaster at Ashley, Ill.

INDIANA.

Hattie Yarger to be postmaster at Wanatah, Ind.
Shad Young to be postmaster at Cicero, Ind.

IOWA.

Hays H. McElroy to be postmaster at Vinton, Iowa.
Edgar O. Winter to be postmaster at Redfield, Iowa.

KANSAS.

Eva M. Baird to be postmaster at Spearville, Kans.
Clarence P. Dutton to be postmaster at McCracken, Kans.
Guy A. Swallow to be postmaster at Fort Leavenworth, Kans.

KENTUCKY.

W. S. Griffith to be postmaster at Benton, Ky.
William J. Wade to be postmaster at Smiths Grove, Ky.

MICHIGAN.

Ben F. McMillen to be postmaster at Tekonsha, Mich.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, Minn.
Elias Steenerson to be postmaster at Crookston, Minn.

MISSOURI.

J. E. Duncan to be postmaster at Carothersville, Mo.
Warren T. Myers to be postmaster at Warsaw, Mo.

MONTANA.

C. L. Gayle to be postmaster at Manhattan, Mont.

NEBRASKA.

James W. Fairfield to be postmaster at Mason City, Nebr.
William A. Grant to be postmaster at Coleridge, Nebr.
Lucy K. Partridge to be postmaster at Kenesaw, Nebr.

NEVADA.

Alton A. Carman to be postmaster at Pioche, Nev.
Eugene L. Dutertre to be postmaster at Golconda, Nev.

NEW JERSEY.

Ada B. Nafew to be postmaster at Eatonton, N. J.

NORTH DAKOTA.

Perry Brown to be postmaster at Sherwood, N. Dak.

OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla.
John P. Bradbury to be postmaster at Wetumka, Okla.
William T. Brooks to be postmaster at Broken Arrow, Okla.
Harland J. Butler to be postmaster at Miami, Okla.
Jay Collis to be postmaster at Manitou, Okla.
Robert A. Diggs to be postmaster at Lindsay, Okla.
Ransom H. Drewry to be postmaster at Marlow, Okla.
Olin W. Meacham to be postmaster at Henryetta, Okla.
Enoch Needham to be postmaster at Hugo, Okla.
Alice M. Robertson to be postmaster at Muskogee, Okla.
Daniel Strawn to be postmaster at Idabel, Okla.
J. Ed Van Mater to be postmaster at Altus, Okla.
Frank Victor to be postmaster at Afton, Okla.

PENNSYLVANIA.

David L. Barton to be postmaster at Mercer, Pa.
Roger A. McCall to be postmaster at Trafford (late Trafford City), Pa.
Henry G. Moyer to be postmaster at Perkasia, Pa.

TEXAS.

E. P. Butler to be postmaster at Cuero, Tex.
Charles F. Darnall to be postmaster at Llano, Tex.
Newton H. Eades to be postmaster at Blossom, Tex.
Ben Lowenstein to be postmaster at Rockdale, Tex.
Frederick Loudon to be postmaster at Fredericksburg, Tex.
John S. McElowney to be postmaster at Midlothian, Tex.
U. S. Weddington to be postmaster at Childress, Tex.

VIRGINIA.

Howard P. Dodge to be postmaster at Manassas, Va.
John W. Gregg to be postmaster at Purcellville, Va.

WEST VIRGINIA.

Harry W. Smith to be postmaster at Middlebourne, W. Va.